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ABSTRACT

The chapters of this monograph review some of the major concerns in correctional education. In "Observations on Correctional Education," Bruce I. Wolford sketches some of the problems hampering correctional educators, particularly the difficulties of serving the large illiterate and functionally illiterate populations. Osa D. Coffey's chapter on "Trends in the Administration of Correctional Education" focuses on the state adult correctional systems and various administrative models, especially the correctional school district model. Five crucial factors in effective programs are identified. "Equity and Legal Issues in Correctional Education" by Paul Moke discusses inmates' right to treatment, freedom from illegal conditions of confinement, equity for females, educational access for special populations, and constitutional and statutory duties of correctional educators. In "The Learning Handicapped Adult Offender," Robert B. Rutherford, Jr., and C. Michael Nelson address the legal mandate for serving this population, prevalence of handicapping conditions, and components of effective programs. In the fourth chapter, John W. Waidley focuses on "Vocational Education, Industries, and Career Education in Corrections." Societal beliefs regarding work and its ability to "cure" criminals and prevent recidivism are examined. Finally, "Postsecondary Correctional Education" by John F. Littlefield investigates the relatively new development of postsecondary programs for incarcerated populations. An eight-page list of references concludes the document. (SK)

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Information Series No. 310

Correctional Education: Perspectives on Programs for Adult Offenders

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Foreword

The Educational Resources Information Center Clearinghouse on Adult, Career, and Vocational Education (ERIC/ACVE) is one of 16 clearinghouses in a nationwide information system that is funded by the Office of Educational Research and Improvement, U.S. Department of Education. One of the functions of the clearinghouse is to interpret the literature in the ERIC database. This paper should be of particular interest to correctional educators and administrators, and to postsecondary, vocational, and special educators involved in the education of adult offenders.

The profession is indebted to Bruce I. Wolford, compiler and editor, and to the six coauthors for their scholarship in the preparation of this paper. Dr. Wolford is Associate Professor of Correctional Services at Eastern Kentucky University. From 1982 to 1986, he served as editor and publisher of the *Journal of Correctional Education*. He has edited the proceedings of the International Correctional Education Association, and he presently serves as a reviewer for *Corrections Today* for the American Correctional Association.

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The National Center wishes to acknowledge the leadership provided to this effort by Dr. Robert E. Taylor, recently retired Executive Director. Recognition is also due to Susan Steiner, Director of Education, Southeastern Ohio Training Center; Marcie Boucouvalas, Assistant Professor of Adult Education, Virginia Polytechnic Institute and State University-Northern Virginia Campus; and to Ida Halasz, Associate Director for Organizational Development, and Harold Starr, Senior Research Specialist, the National Center for Research in Vocational Education, for their critical review of the manuscript prior to publication. Wesley Budke and Susan Imel coordinated the publication's development; they were assisted by Sandra Kerka and Cheryl Harrison. Clarine Cotton, Jean Messick, and Sally Robinson typed the manuscript, and Janet Ray served as word processor operator. Ciritta Park of the National Center's Editorial Services edited the paper.

Chester K. Hansen
Acting Executive Director
The National Center for Research
in Vocational Education

Executive Summary

Executive Summary

Correctional education is comprised of a range of educational activities that occur in institutional and community correctional settings. Although these educational activities vary greatly in content and delivery, provision of basic literacy skills is accepted as a primary goal of correctional education.

The debate over goals of long-term incarceration has been going on in the United States for as long as there have been prisons here. Theory has fluctuated between the extremes of isolation and punishment on the one hand and rehabilitation on the other.

Correctional educators form a large employee group in prisons, larger than any other noncustodial group. Educators provide educational services to a population largely made up of unskilled and undereducated adults.

Recent growth in the incarcerated population has raised demand for educational services in corrections. Compounding this is the fact that problems facing correctional education go beyond the current overcrowding back to weaknesses that have been in place for 50 years.

The illiterate and functionally illiterate are generally underserved in corrections education. In large part, this is because these persons are so low functioning that any kind of goal, such as obtaining the General Educational Development (GED) Certificate, seems unattainable. Thus, they are not attracted to educational programs in the first place. Reliance upon traditional program evaluation approaches, which measure success by the number of GEDs awarded, merely compounds this problem.

Many other problems limit correctional educators in their ability to teach inmates. These include the following:

- Many correctional educators have no background in adult education or criminal justice.
- Financial support is quite limited.
- Administrative structures governing correctional education vary widely, making cooperation among programs nearly impossible.
- Priority rating given to correctional education within the overall program also varies.
- Literacy and basic education programs often work against, not with, programs to provide inmates with job market skills.

- Many prisons put disincentives in the way of inmates who enroll or remain in educational programs.
- Some illiterate inmates have conditions that handicap their learning, such as learning disabilities or mental retardation.
- Support services like counseling and libraries are very limited in correctional settings.
- There are few assessment and evaluation instruments appropriate for this population.

Despite these obstacles, corrections educators have made great strides in recent years. The chapters of this monograph will review issues and programs in correctional education. They will cover five topics: administration, the law, special education, vocational education, and postsecondary education.

In the first chapter, Osa Coffey focuses on the administration of correctional education programs in state adult correctional systems. Coffey examines the various administrative models in force, especially the correctional school district model. Key factors important to the development of an administrative model are discussed.

Equity and legal issues in correctional education are topics of the second chapter by Paul Moke. Inmates' right to treatment, freedom from illegal conditions of confinement, parity of treatment for females, and educational access for special populations are discussed. Moke reviews constitutional and statutory duties of correctional educators and discusses implications of these duties for the field.

Chapter 3, by Robert Rutherford and C. Michael Nelson, describes issues involved in teaching the learning handicapped inmate. Since many of the incarcerated in this country function at or below sixth-grade level in basic skills, it is evident that correctional educators must deal with students who are learning disabled, slightly to moderately retarded, or slow in learning, every day. Recent policy in some areas has called for a basic skills mastery requirement as a condition of parole. This has very serious implications for students with learning handicaps.

In the fourth chapter, John Waidley focuses on vocational education, industries, and career education as these pertain to correctional education. Waidley states that Americans believe in the importance of work. People without work or skills are a threat. Thus, this society believes in work's ability to "cure" criminals and expects correctional institutions to provide organized activities that improve offenders' vocational preparation. A major question is whether this preparation reduces recividism.

The final chapter, by John Littlefield, discusses postsecondary correctional education. This is a relatively new development in the correctional education field. As postsecondary institutions find a smaller pool of traditional applicants, they are looking for other students including the expanding incarcerated population. Also, Littlefield says, the establishment of certain funding mechanisms has been beneficial to postsecondary correctional education. At the same time, postsecondary education fulfills a correctional management goal of giving inmates something constructive to do with their time. However, there is the concern that inmates are receiving a "free" college education while "straight" students often have to pay their own way.

Though each of these chapters focuses on a different aspect of correctional education, all are interrelated to form an overall picture of the situation. There are many issues in correctional edu-

cation that need to be resolved as correctional educators try to cope with an increasing and varied population in need of their services.

More information on correctional education can be found in ERIC under the following descriptors: Adult Basic Education, Adult Education, *Correctional Education, *Correctional Institutions, *Correctional Rehabilitation, *Delinquent Rehabilitation, Human Services, *Institutionalized Persons, *Prisoners, Recidivism, *Vocational Rehabilitation. Asterisks indicate descriptors having particular relevance.

Preface

Correctional education is a generic term that describes a wide range of educational activities that take place in institutional and community correctional settings. Adult correctional institutions operated by state departments of corrections provide the setting for the majority of correctional education programs in the United States. It is these adult long-term correctional facilities and selected educational programs within these institutions that is the focus of this monograph.

The chapters in this monograph provide a review of some of the major concerns in correctional education. Because correctional education is interdisciplinary in nature and includes a full array of educational services, a publication of this length unfortunately excludes some topics that could arguably be considered crucial. The five topical sections (administration, the law, special education, vocational education, and postsecondary education) were selected because of their pivotal position in the field. Each of the topics examined in this publication has been the focus of considerable public, legislative, and/or judicial consideration in recent years.

The authors selected to contribute to this publication were chosen because of their knowledge of the topical area, long-term commitment to the field of correctional education, and demonstrated ability to express themselves via the written word. The editor is indebted to the six authors for their hard work and dedication to this project.

The ordering of topics in this monograph is from broad general areas to specific programs. The editor's observations attempt to identify some basic concerns faced in correctional education. Osa Coffey's chapter on the administration of correctional education has implications for the delivery of all educational programs in correctional institutions. Paul Moke's review of current legal issues cuts across the spectrum of program offerings. Robert Rutherford and C. Michael Nelson focus on the largest special population within the correctional setting. Addressing the needs of the learning handicapped offender is a concern for all correctional education programs. The tie between vocational education, industries, and the future careers of the incarcerated as discussed by John Waidley has been the focus of national attention throughout the 1980s. Although postsecondary correctional education serves a relatively small portion of the incarcerated population, the number of programs and scope of services has been among the most rapidly increasing in adult institutions. John Littlefield has provided an overview of the growth and development of higher education efforts in the correctional setting.

Because correctional education is considered by many to be the most viable change-oriented program available in correctional institutions, it is important that the best possible programs be developed and operated. Correctional education has the potential to rise above its second-class status among institutional programs and be recognized for the key role it can and does play within corrections. It is hoped that the following sections of this publication will aid both correctional educators and administrators in their efforts to promote and improve educational services for the incarcerated.

Observations on Correctional Education

Bruce I. Wolford
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Introduction

Education and prisons have been linked since the opening of the Walnut Street Jail in Philadelphia (circa 1790). Since the opening of the first prison in the United States, there have been debates raging regarding the goals of long-term incarceration. The pendulum of correctional theory has swung many times between the poles of isolation/punishment and rehabilitation. Society's fickle view of prisons has been manifested in correctional institutions through the shifting emphasis between custodial and program services.

In correctional institutions, educators form a major component of the program staff. There are approximately 7,000 educators presently working in the nation's long-term state correctional institutions (Rutherford, Nelson, and Wolford 1984) and many more in jails and other community-based programs. Correctional educators represent the largest noncustodial employee group in U.S. prisons (Horvath 1982). These teachers must provide services to a population made up largely of unskilled and undereducated adults.

A burgeoning federal and state prison population that has exceeded 500,000 has created an ever-increasing demand for correctional education services. The predominantly male population residing in the nation's long-term correctional institutions includes a disproportionate number of unemployed, undereducated, and learning and physically handicapped individuals (Coffey 1983). Over 80 percent of the prison population did not complete a high school education, less than 10 percent can pass a standard achievement test at the 12.0 grade level, and 60 to 80 percent have been classified as functionally illiterate (Conrad 1981). Based upon recent adult correctional population figures these percentages translate into over 280,000 illiterate adults currently incarcerated (Rutherford, Nelson, and Wolford 1984). Despite these staggering levels of need for educational services, fewer than 12 percent of the total prison population have access to correctional education programs ("Correctional Education Policy Statement" 1984).

The problems that face correctional education go beyond the numbers that are in part reflective of the national crisis associated with prison overcrowding. Indications are that the weaknesses present in correctional education (i.e., limited funding, inadequate facilities, and organizational disincentives to participation) have remained fundamentally unchanged over the last 50 years (Conrad 1981; Horvath 1982).

Correctional Education and Literacy Training

The traditional adult education program culminates in the successful completion of the General Educational Development (GED) program. Studies of adult learners have tended to conclude that those who are most likely to undertake continuing education activities are individuals who have had successful previous experience with school (Brockett 1983). The GED represents an excellent motivational tool for the more academically advanced residents, but seems beyond the reach of many inmate students who function on the fourth- to sixth-grade level on standardized achievement tests. Many correctional education programs fail to serve those individuals most in need of services. The illiterate and functionally illiterate inmate is seldom attracted or adequately served.

Recent policy changes requiring mandatory participation in educational programs for low-functioning institutional residents have focused the attention of educators on previously unserved individuals. The mandatory education programs in Maryland, Virginia, Ohio, and other states may establish a trend that will direct correctional efforts toward that portion of the incarcerated population most in need of educational services. Even though the concept of mandatory education runs counter to a basic principle of adult education, preliminary reports from Maryland would indicate that the mandatory education program has met its goals without the anticipated negative effects associated with forced participation.

Reliance upon traditional approaches to correctional education that are measured primarily by the number of GEDs awarded will ensure that a significant portion of the illiterate incarcerated population will remain unserved. Indicative of the field's concentration upon programs for higher level functioning adults were the responses of correctional education administrators to the question "How do you measure successful programs?" (Campbell 1982). The most frequent answers were by increasing numbers of GED completions and high school diplomas granted. Until correctional educators are willing to provide special programs for nontraditional adult learners, basic literacy will remain beyond the reach of a significant portion of the prison population.

In addition to their dependence upon traditional program models, correctional educators are also faced with a variety of problems that limit their ability to provide education. Most correctional educators pursued preparatory training in elementary or secondary education areas (Gehring 1981). Many correctional teachers are unfamiliar with the principles of adult education and the criminal justice system. The limited number of correctional education systems and thus a limited demand for educators in the profession preclude the establishment of a significant number of preservice teacher preparation programs. Recent attention to the needs of the learning handicapped offender has resulted in the establishment of special/correctional education teacher training programs such as the one at George Washington University. A number of interdisciplinary opportunities exist in institutions of higher education for interested graduate or undergraduate level students to tailor a correctional education programs drawing upon the faculties of both the education and criminal justice areas.

Although opportunities do exist for preservice preparation, the major burden for correctional education teacher training remains at the inservice level. Correctional education systems should place increased emphasis upon providing quality continuing education opportunities for their teachers, counselors, and administrators.

Other problems include the limited level of information regarding current best practices and procedures used in adult education programs both inside and outside of prisons (Gold 1984). Limited financial support for institutional education programs has long hampered their growth and development. In some states, correctional education is a discretionary area of funding controlled by institutional superintendents. In many systems there are very limited funding arrangements between the state education agency (SEA) and the correctional education program. A review of eight years of federal funding for correctional education indicates that the support that had been provided was minimal and decreasing (Carlson 1981).

The administrative structure under which correctional education operates varies greatly among states. Correctional education programs in adult facilities are variously administered by correction's central office education staff, correctional school district officials, SEA personnel, college/university officials, and local institutional administrators, as well as through a variety of contractual arrangements. The plethora of administrative structures leads to great variance in the coordination of service delivery in curriculum design and especially in funding. A large portion of federal funding that has gone to support correctional educational activities has been collected by the eight states with correctional school districts (Carlson 1981).

Related to the administrative structure of correctional education is the relative priority given to educational programs. In all correctional facilities, custody and security remain the primary foci, but in some institutions and in entire correctional systems such as Virginia, education is an integral part of the overall management plan. Great variance can also be found among institutions with different security classifications. Frequently, greater emphasis is placed upon education in medium and minimum security facilities than in maximum security units. Because over 60 percent of the adult prison population is housed in maximum security facilities, many inmates are denied full educational services.

The reasons for limiting educational services to maximum security residents are varied. The length of time before release of many higher security-level residents may contribute to the belief that educational opportunities can be delayed until the individuals reach a lower security-level facility. The increased security demands of a maximum security institution at times make it difficult to provide the full range of educational opportunities (i.e., vocational education). The principle of least eligibility may also be operating in maximum security settings. Faced with limited funding for education, correctional administrators may determine that the maximum security resident is the least eligible for discretionary services such as education.

Literacy and basic education programs often stand alone in the prison environment. It is not uncommon to find that correctional education programs do not work closely, and may even be at odds, with penal industries, institutional work supervisors, and even vocational education programs. Unless there is direct linkage between adult education and specific employment and training programs, job-related literacy skills may be addressed only randomly (National Center for Research in Vocational Education 1984). If one of the goals of education in prison is to prepare inmates to reenter society, then direct ties between correctional education and the inmate's work and training programs must be maintained.

Frequently, there are institutional disincentives to participation in educational programs that serve to reduce the motivation of inmates to enroll in correctional education. In a recent survey of central office correctional education administrators (Wolford 1984), a lack of appropriate incentive was identified as one of the major limitations to providing basic literacy programs in correctional institutions. Frequently, inmates are paid less for school attendance and may be denied single cells, honor status and other perquisites of institutional life if they enroll or remain in edu-

cational programs. Efforts to establish incentives for educational participation, such as goodtime credit for enrollment in school programs, can encourage offenders to enter correctional education classrooms.

A significant proportion of the illiterate adults in corrections have handicapping conditions that cause or contribute to their illiteracy. In a study of the Oregon State Penitentiary, Hurtz and Heintz (1979) found that 29.5 percent of the inmate population were identified as specifically learning disabled. In addition, Brown and Courtless (1967) and Devlin et al. (1984) found that 30 percent of adult inmates met the age eligibility criterion for special education services and that 84 percent of these inmates were appraised as handicapped/slow learner, 17 percent mentally retarded, and 10 percent learning disabled. All are categories of exceptionality that correlate highly with functional illiteracy.

Other frequently cited problems include limited support services such as counseling, assessment, libraries, and educational specialists. There are also a limited number of adult-normed assessment and evaluation instruments available for use in correctional education programs.

Conclusion

Despite their limited numbers and the significant obstacles that they must face, correctional educators have achieved some rather remarkable accomplishments in recent years. The observation must be made that correctional education is for many individuals the last and perhaps the best opportunity in their lives to participate in a formal education experience. It is important to these offenders and to the general public who hope that corrections will help to change the attitudes and behaviors of criminals that the best possible educational programs be made available. The future of correctional education will be determined by the persistence of educators in their efforts to improve and promote programs, the cooperation of correctional administrators, and the support of the public and politicians for the educational programs in prisons.

Trends in the Administration of Correctional Education

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This section focuses on the administration of correctional education programs in state adult correctional systems. Stressing the gap between inmate needs and available services, the author examines various administrative modes currently employed, with special focus on the correctional school district model. The chapter ends with an analysis of several key factors to be considered in the development of an administrative model for correctional education that will maximize monetary and human resources and facilitate effective targeting and delivery of quality education programs.

Introduction

As Conrad and Cavros (1981) have pointed out, the most distinguishing feature about correctional education today is the gap between inmate educational needs and available services. Roughly estimated, 60 percent of the current U.S. inmate population dropped out of school before the 10th or 11th grade and function on the average at the 6th-grade level or below in reading and math (Coffey 1982). They exhibit 20 times the illiteracy rate of the U.S. population at large and 10 times the unemployment rate (Coffey 1986). Already young, with an average age in the mid-20s, the inmate population is currently experiencing a great influx of even younger offenders who have committed more violent crimes and who have received longer sentences. Hence, they have less hope and less motivation to enroll in academic or vocational programs. Without basic or vocational skills, they have little to offer in terms of productive life either inside or outside prison walls. At a minimum, 60-75 percent of all inmates—women as well as men—incarcerated in adult state correctional facilities are in serious need of academic, vocational, or life skills, or special educational services. Frequently, they are in need of a combination of all of these. Yet, according to the most recent published census (U.S. Bureau of the Census 1979), less than 30 percent of the inmate population are enrolled in education at any one time.

Faced with an educationally more intractable correctional student as well as larger than ever numbers, coupled with competition for dwindling resources on both state and federal levels, correctional education administrators are grappling with one overriding question: "How do we apply our scarce resources for maximum results?" Administrators of correctional education programs are charged with the critical task of providing effective, quality programs to the largest possible numbers, as cost-effectively as possible, while balancing the needs of individual inmates, society,

and correctional institutions. Under the pressures of reduced funding—due to be exacerbated in the wake of cutbacks at the federal level—priorities will have to be established. In other words, correctional education in the 1980s and beyond will require sophisticated managerial, fiscal, and pedagogic decision making and leadership, as well as delivery mechanisms, far beyond what is the norm today. A key to the effective management of resources is the administrative structure of correctional education at the state central office level.

Many states currently suffer from inadequate and inefficient administration and resource management in the area of correctional education, partly due to low priority within the overall correctional system. The results often are inadequate authority and autonomy for the chief position in correctional education, ill-conceived lines of authority within the overall organizational structure, lack of centralized management, or assignment of responsibility to other agencies without adequate coordination and accountability.

Although great strides have been made in correctional education in the last decade, little is actually known about the relative merits of different systems currently in existence. There has been no in-depth examination of correctional education administrative structures to date. After a flurry of interest in correctional school districting in the mid- to late-1970s, very little has been published in this regard. Laura Pope Miller's article (1978) and national survey (Pope 1982) on correctional education administration remain the two most solid sources. The former, however, is mostly theoretical, and the latter makes no attempt to compare systems, isolate effective components, or draw any conclusions as to the relative advantages of the different structures. Most of the other writings about correctional education administrative structures have been done by those who are vested in a particular school district, usually limiting their discussions to general descriptions and the merits of their own system.

The purpose of this chapter is to provide a brief examination of some currently existing administrative structures, with emphasis on the correctional school district model, in order to determine which factors are crucial for the effective delivery of comprehensive and quality correctional education services. The discussion is based on the assumption that there is no "best" administrative model to be recommended for implementation in all states. Rather, there are indispensable components that can and must be incorporated into any administrative structure to make it effective and that can make a variety of organizational models work within their different state correctional settings.

Current Administration of Correctional Education

Traditionally, correctional education has been provided to incarcerated adults directly by the state department of corrections (DOC). Currently, 37 states and the District of Columbia provide correctional education in this way. Usually in this mode education appears as a line item in individual institutional budgets, with or without additional funds for administrative services in central office. Rarely is there a separate line item budget for correctional education directly under the control of a central office director of correctional education. The monies for education—as for the rest of corrections—are appropriated by the state legislature. Frequently, additional monies are obtained through state and federal entitlement and discretionary sources, channelled through the state education agency (SEA) and obtained by grant applications.

There is generally no clear legislative mandate to provide education to incarcerated adults, and federal entitlement programs for the adult offender are limited to Pell Grants for those who

are eligible as well as ready for postsecondary education, Chapter I for those under 21 in need of remedial work, and P.L. 94-142 for the diagnosed handicapped under 22. Except for the 1 percent set-aside for corrections in the Carl D. Perkins Vocational Education Act of 1985, funding correctional education from federal sources is permissible in many cases but not mandated. Experience has shown that skillful grantsmanship on the part of the chief correctional education position is mandatory in order to provide adequate resources.

Most of the DOC-administered programs are headed by a director of education out of the central office. This position can be located at very different levels of the organizational pyramid. In the District of Columbia, for example, the position was made an "Assistant Commissioner." In some jurisdictions, it is designated a relatively low-level "coordinator" role. In 10 states there is no central office administrative position exclusively for correctional education. In six states there is a position in central office that includes correctional education among other functions such as adult services, planning, or treatment. In three states (Oregon, South Dakota, and New Hampshire), the chief correctional education position is located at an institution without anyone at the central office level being directly responsible. A good indication of the priority assigned to correctional education within the DOC is the level and location of the chief correctional education position, the credentials of the officeholder, and the level of support staff.

Administering correctional education programs directly from the DOC neither guarantees quality nor prevents it. Among the current DOC-operated correctional education programs a great deal of variety exists. Some are highly centralized, relatively autonomous, comparatively well funded, providing a comprehensive education program to a proportionately large percentage of the inmate population—in other words, among the best there is. Minnesota, frequently mentioned as having "exemplary" programs (Rice et al. 1980), and Wisconsin with a high percentage of inmates in education (U.S. Bureau of the Census 1979) both administer their programs directly through the DOC. On the other hand, states having the lowest enrollments and few programs are also usually within this administrative mode.

The problems associated with correctional education delivery were well defined by the more than 90 correctional educators—most of whom represented DOC administered programs—who testified at the 4 national hearings of the National Advisory Council on Vocational Education (NACVE) (1981). The following key problems were identified:

- Lack of funding and difficult access to funding
- Low priority within state corrections
- Isolation from and lack of access to community resources, such as colleges and universities and private sector
- Lack of coordination with and support from other state agencies (e.g., Education, Labor, Rehabilitation)
- Inadequately trained and certified staff
- Lack of holistic, systemwide, and comprehensive programs
- Inadequate number of programs and program slots
- Inadequate and outmoded equipment and materials

- Inadequate space
- Inadequate coordination among academic education, vocational training, institutional maintenance, and prison industry

In the search for solutions to the perennial problems of correctional education delivery, several states have created alternative administrative structures, although these are still in the minority. Nine states (Arkansas, Connecticut, Illinois, Maryland, Ohio, South Carolina, Tennessee, Texas, and Virginia) have developed special school districts for corrections. Florida passed legislation in 1986 to establish a correctional school district to be implemented in 1987. In two states—Alaska and Pennsylvania—the state department of education assumed the responsibility for providing education to the incarcerated. (The authority for correctional education in Alaska will revert to the DOC in 1986.) In Alabama, correctional education is provided under contract by J. F. Ingram Technical College. In Nevada, after the legislature had denied monies for correctional education, and under the pressure of litigation, correctional education was brought back under an agreement with the local education agency (LEA). The state of Washington has contracted out educational services for inmates to the regional community college system while retaining a director of education in the DOC central office with responsibility for, among other things, contracting, program planning, fund-raising, and quality control. Iowa has similarly contracted out correctional education to several community colleges, without a director of education position in central office.

The school district concept has raised the greatest expectations for overcoming the problems facing correctional education. The first two—in Texas and Connecticut—were established in 1969. Most came about in the 1970s. South Carolina established its correctional school district in 1981. (See table 1.) New Jersey established a school district for correctional education in 1972, only to dismantle it seven years later. More than a dozen additional states have considered school districting in recent years without as yet making the change.

Experience shows, however, that the correctional school district concept is often resisted, and sometimes defeated, by one or more of the following three factors. Correctional agencies may see it as having too much autonomy, yet having to function within corrections—possibly an unworkable marriage. State education agencies may see it as forcing diversion of some of their resources into an unpopular, low-priority area. Today's state legislators, responding to the public's fear of crime, are frequently in a punitive frame of mind and may be reluctant to invest in any form of "rehabilitation." It is, therefore, unlikely that corrections will experience any proliferation in this area in the immediate future.

As table 1 indicates, the current school districts exhibit as much variety as the DOC correctional education administrative model. The Department of Correctional Education, formerly known as the Rehabilitative School Authority (RSA) in Virginia represents one extreme. Funded directly by the legislature, it is a separate state agency, functioning as a nongeographic school district, serving its "companion" agency, the Virginia Department of Corrections, while having complete autonomy over correctional education in that system. Staff are state employees and have their own professional organization (Gehring 1983). Most correctional school districts, however, are closely linked with the department of corrections. In Arkansas, Connecticut, Illinois, Ohio, Tennessee, and Texas, the superintendent/director of the school district is responsible to the commissioner/director of corrections. Several of the enabling legislations designate the commissioner/director of corrections as the chief executive officer of the school district, with the power to delegate the management of the school district to a qualified, professional educator. Although paid by the Department of Corrections, Maryland's director of correctional education functions within the state department of education, which provides all correctional education services.

TABLE 1

CORRECTIONAL SCHOOL DISTRICTS

State	Year Est.	Enabling Leg.	Agency with Prime Chief Executive Responsibility		Chief CE Administrator	School Board	Source of Funding
Arkansas Arkansas DOC School District	1973	Act 279 69th General	DOC	Director of DOC	Supervisor of Educational Services	State Board of Correction	1. DOC 2. SEA-Minimum Foundation Program Aid 3. Federal funds
Connecticut Unified School District No. 1	1969	Public Act 636	DOC	Commissioner of Correction (w. Council of Correction)	Superintendent	Educational Advisory Committee	1. DOC 2. State grants 3. Federal funds
Illinois DOC School District	1972	Public Act 77-1779	DOC	Director of DOC as President of School Board	Superintendent	Board of Education	1. Common school funds 2. Federal funds
Maryland	1978	Public School Law Title 22	SEA	State Superintendent of Schools	Director of Educational Programs	Education Coordinating Council	1. State Education funds 2. Federal funds
New Jersey Garden State School District	1972 abolished 1979	P.L. 1972 c. 187	Dept. of inst. and Agencies 1972-1976 SEA 1976-1979	Commissioner of Inst. and Agencies State Superintendent of Schools 1976-1979	Superintendent	None	1. Dept. of Inst. and Agencies 2. SEA 3. Federal funds
Ohio	1973	No special legislation	DOC	Dir. Dept. of Rehab. and Correction	Educational Administrator	None	1. DOC 2. Federal funds
South Carolina Palmetto Unified School District No. 1	1981	Act 168 1981	DOC	Superintendent of CE	Superintendent	District Board of Trustees	1. DOC 2. SEA 3. Federal funds
Tennessee	1970	Tenn. Code Ann. 4-6-143	DOC	Commissioner of Correction	Director of Education	None	1. DOC 2. Federal funds
Texas Windham School District	1969	Sen. Bill 35, art. 6203b-2	Board of Corrections	Director of Corrections	Superintendent	Board of Corrections	1. Foundation school fund 2. Federal funds
Virginia Department of Correctional Education (DCE)	1974	Virginia Code, Ch. 18, Section 2-41.1 to 2-41.7	DCE	Superintendent of DCE	Superintendent	Board of the DCE	1. State Legislature 2. Federal funds

SOURCES: Galley and Steurer (1985); Henderson (1979); Vitelli (1985).

Five of the current correctional school districts (Connecticut, Illinois, South Carolina, Texas, and Virginia) are headed by a fully credentialled superintendent of schools. Only Illinois has a traditional board of education. The Palmetto Unified School District #1 serving corrections in South Carolina has a district board of trustees, separate from corrections and to which the superintendent of the Palmetto School district is accountable. It consists of nine members, four of whom are appointed by the commissioner of corrections, four by the state superintendent of schools, and one by the governor. In Texas and Arkansas, the corrections board also serves as a school board. Connecticut has an educational advisory committee; Maryland is served by a special education coordinating council. Virginia has an 11-member board, with 7 members appointed by the governor and 4 serving ex officio, appointed by the DOC. Originally a policy board, it has gradually through a series of legislative amendments been stripped of its power (e.g., to appoint the Superintendent). It currently performs an advisory role only.

All correctional school districts except Ohio's were created by special legislation, but there the similarity ends. The enabling legislations are very different. The only common feature is the fact that by a legislative act, the correctional education system in the state is permitted to function as a "special" school district, entitled for the most part to the same privileges as other "special" school districts and bound by the same requirements. Except for that of Illinois (and formerly New Jersey), the enabling legislations are very brief and generally nonprescriptive in details.

The states that have formed correctional school districts originally did so to gain better access to state and federal education monies (Pope 1982). Texas and Connecticut, the first two, were also propelled by the dismal situation in correctional education in these states at that time (1969). For example, prior to the introduction of the Windham School District, Texas, with one of the most populous correctional systems in the nation, was served only by eight uncertified academic teachers (Murray 1975).

Many advantages have been claimed for correctional school districts as compared to other forms of correctional education administration. Dr. Lane Murray, Superintendent of the Windham School District in Texas, cited the following results from school districting: funding for education multiplied 10 times in 6 years; space for education doubled in 5 years; staff increased from 8 uncertified staff to 172 fully certified in 6 years; student participation increased by 40 percent; the quality of programs was raised; and the Windham School District earned full accreditation from the Texas Education Agency as well as from the Southern Association of Colleges and Schools. Murray (1975) also cited reduced recidivism as an additional result. Miller (1978) described similar great progress in Connecticut as a result of creating the Unified School District #1 for corrections. Gehring (1983), describing the advantages of the Virginia Rehabilitative School Authority, concluded that the literature identifies many advantages in school districting to date, far outweighing the few possible disadvantages.

The most frequently identified advantages of the correctional school district include the following.

Increased Funding

This is attributed mainly to the fact that as a school district, the agency becomes entitled to state and federal pass-through monies on an equal basis with other local education agencies (American Bar Association 1973; Miller 1978).

Better Qualified Staff

As an LEA the correctional school district has to meet the same requirements for teacher certification and teacher salaries as other LEAs in the state. Furthermore, it is assured a trained educator in the chief administrative position, preferably a fully credentialled superintendent. Education staff is responsible to and evaluated by credentialled educators.

Quality Programs

Correctional school districts undergo automatic and periodic reviews by the state education agency and sometimes by other accrediting agencies. Therefore, they have to meet the same standards as other LEAs. This is most frequently cited as assuring certain quality standards as well as accountability.

Improved Control Autonomy, and Status

With control over the correctional education budget and the support of a school board or advisory council in dealing with the legislature, chief correctional administrators, and key SEA administrators, correctional school districts are believed to hold a higher priority position in corrections than correctional education systems administered directly from within a DOC. Correctional educators sometimes voice the opinion that the greater the separation between corrections and education and the greater the autonomy of the correctional education component, the more likely there are going to be quality programs.

If one attempts to substantiate these common claims in favor of the correctional school district model, it becomes apparent that only one has been fully supported by research—increased funding. Furthermore, the experience in at least two cases, Tennessee and New Jersey, indicates that correctional school districts can be as vulnerable as other types of administrative structures if they lack support within or without corrections and are surrounded by a public climate unfavorable toward inmate rehabilitation. Furthermore, except for the claim that funding becomes more automatic and plentiful, most of the other "school district advantages" can and have been equalled in states providing correctional education under the traditional DOC model.

Carlson (1981) showed that the eight correctional school districts in existence at the time of his research received the bulk of the federal support in corrections from the Vocational Education Act, the Adult Education Act, and Title I of the Elementary and Secondary School Act. Carlson also pointed out that only 14 non-school district states received funds from all three of these. In the school district states, federal support was almost double that of the non-school district states, with the expenditure per inmate from state and federal funds combined $1,000 per inmate in school district states compared to $500 in non-school district states.

The claim that correctional school districts demand and attract better qualified staff than other correctional education systems is not substantiated by scrutiny. Of the current eight school districts, only five have fully credentialled superintendents at the helm. Furthermore, the qualifications of the directors of correctional education in non-school district states have shown a remarkable increase in recent years. Almost all are bona fide educators, many with doctorate degrees, on a par with the current heads of school districts. The requirement for teacher credentialling is

becoming more common in corrections as a condition of hiring or continued employment. Furthermore, as the current director of educational services in New Jersey, Isaac Ballard, Jr., pointed out to the author in an interview, there was no single, enforced standard for teacher credentials under the Garden State School District. This has been corrected after the return of authority for correctional education to the DOC.

No research exists that shows that the correctional school district administrative mode necessarily produces either higher quality or quantity programs than non-school district states. "Quality" is hard to measure and has never been adequately defined. Quantity, however, has been measured by the U.S. Bureau of the Census. According to the 1979 census of all adult state correctional facilities in the United States, it was found that on the average 26.3 percent of all male and 40.1 percent of all female inmates were enrolled in adult basic education, GED preparation, or vocational education programs. As table 2 indicates, with few exceptions, school district states were not uniformly above average on the size of enrollment. Several were below the national average, often with great discrepancies between their male and female enrollments. It should also be remembered that these enrollment statistics only reflect the numbers enrolled, not how much time each student spends in education. Thus, for example, the relatively high enrollment percentage in Texas must be viewed in light of the fact that most Texas inmates spend about six hours per week in education whereas in some other states (like Tennessee with low enrollment figures) most inmates are enrolled in education programs full time, i.e., six to seven hours per day five days per week. In terms of enrollment, then, one can make no claims as to the superiority of school districts as compared to other administrative structures. School district states in 1979 ranked from the 6th-highest enrollments for male inmates to the 41st, and from the 6th to the 38th for females.

Many of the other advantages attributed to school districting cannot be directly attributed to the school district structure. History indicates that school districts have been created, grown, and flourished where and when there has been support both in the state department of corrections and in the state department of education coupled with support on the part of the state legislature. With similar support, however, correctional education has flourished under the traditional DOC mode. Minnesota is a good example in that regard. Once such support exists, however, the school district model does facilitate comprehensive, systematic, and educationally sound programming. Without such support—as the experiences of New Jersey and Tennessee indicate—the school district itself may be abolished or incapacitated.

The Garden State School District was created in 1972 to serve all institutionalized populations, adult as well as juvenile. These populations were serviced by an umbrella agency, the Department of Institutions and Agencies. In 1976, when the umbrella agency was broken up and a separate agency was created for corrections, the responsibility for the Garden State School District was summarily transferred to the State Department of Education, which had not been advised about nor had consented to accepting this new responsibility. MacNeil (1980) showed that problems developed, including power conflicts between education and corrections, lack of coordination between the agencies, staff torn in accountability between the two agencies, and budget problems stemming from the fact that the Garden State special school district was entirely dependent on state and federal funds. As MacNeil pointed out, it was not surprising that a bill was introduced in 1978 to the New Jersey legislature to abolish the school district and divide its functions among the state departments of Corrections, Education, and Mental Health. As of 1979 the school district was abolished, superceded by legislation known as the State Facilities Education Act of 1979.

TABLE 2

PERCENTAGE OF INMATE POPULATION ENROLLED IN EDUCATION PROGRAMS IN SCHOOL DISTRICT STATES AS COMPARED TO NATIONAL AVERAGE

State	Adult Basic Education		GED		Vocational Education		Totals		Ranking	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Arkansas	4.0	5.5	2.0	0	2.3	12.2	28.3	37.7	38th	23rd
Connecticut	12.1	33.1	6.8	8.6	5.2	46.0	24.1	46.9	24th	15th
Illinois	11.7	4.3	6.7	2.7	9.0	10.3	27.4	17.3	20th	38th
Maryland	7.7	3.2	5.0	17.3	6.2	19.0	19.9	39.5	32nd	21st
New Jersey	15.8	34.7	6.3	0	11.6	32.6	33.7	67.3	7th	6th
Ohio	3.1	9.1	4.5	16.7	4.2	11.6	11.8	37.4	41st	24th
Tennessee	6.9	4.3	4.8	6.0	8.3	19.6	20.0	29.9	31st	31st
Texas	34.0	35.6	0	0	2.0	2.9	36.0	38.5	6th	22nd
Virginia	11.9	58.1	2.9	0	5.0	6.5	19.8	64.6	33rd	8th
U.S. Average	11.6	19.1	5.7	6.4	9.0	14.6	26.3	40.1		

Based on the 1979 U.S. Bureau of the Census Poll of Inmates in State Adult Correctional Facilities.

Some institutions include GED in the ABE category. This is probably the reason for 0 in this case.

Since some inmates may participate in more than one program, these figures may be slightly inflated.

The Garden State School District did, nonetheless, bring substantial contributions to inmate education in New Jersey, as Ballard (1983) has pointed out. For the first time, a central educational structure was in operation to standardize and oversee all school activities systemwide. Services such as testing and counseling were offered. Vocational and academic programs were fused to provide training in the classroom as well as in the shops. By 1979 all major institutions had educational programs under the school district system.

According to Ballard, the demise of the Garden State School District can be attributed to two major factors. First, the legislature realized that there was a need to provide parity of education for all state institutionalized, school-aged individuals. Second, the authors of Chapter 207 convinced the legislature that an in-house and centralized educational structure would be more efficiently managed and would allow for more control and accountability. Thus, P.L. c.207 was passed into law and implemented in its current configuration.

Since the abolition of the school district, the New Jersey Department of Corrections' education program has struggled from the impact of massive disallocations of resources and central office staff cutbacks, preventing adequate systematization of correctional education for adult inmates. Whether the school district structure—however beleaguered by problems at the time of its demise—would have helped or hindered subsequent economic developments is an open question.

Although MacNeil (1980) claimed that the change produced more funding for juveniles at the expense of adult inmates, current key staff in New Jersey, Isaac Ballard and Anthony Sarlo, hold the opposite view. They feel that P.L. c.207 freed up state monies for adult programs. They also point out that although New Jersey's in-house system—the Office of Educational Services—was confronted with serious resource allocation problems in 1982 and 1983, it has since made tremendous progress both administratively and programmatically (correspondence dated July 2, 1986). Again, whether these recent successes can be attributed to the type of administrative structure currently in effect is unknown.

The Tennessee experience also indicates how vulnerable a school district can be if the legislative and executive branches of a state are opposed to investing funds for the education of the incarcerated. When Governor Lamar Alexander took office in 1980, he immediately expressed his intention to abolish correctional education in order to spend more of the state's education dollars on upgrading public school education. Shortly thereafter, and except for one institution (Lake County Regional Correctional Institution) designated to provide education programs to younger inmates, correctional education virtually ceased. Teachers were dismissed or transferred into noneducation correctional positions. Simultaneously, Tennessee was involved in major federal litigation (*Grubbs ra. Bradley*, 552 F. Supp. 1052 [1982]) concerning inhumane conditions of confinement. Widespread inmate idleness, due to a lack of jobs as well as programs, was found to have increased the level of violence in Tennessee prisons, which the court found constituting inhumane conditions of confinement. As part of a court settlement (July 19, 1984), the Tennessee Department of Corrections was obliged to reinstitute correctional education programs and rehire teachers. Furthermore, the parties agreed that an outside education consultant would review existent programs, assess needs, and provide recommendations to the Tennessee Department of Corrections and the court. Currently, education is being revived under the school district charter, which was strengthened by an amendment passed by the legislature in 1985.

Recently, the well-established correctional school districts in both Texas and Virginia have similarly come under attack from legislators. Although they are not seriously threatened at this point, experience shows that when a strictly punitive philosophy of corrections is dominant, correctional education becomes vulnerable. At such times, the strength of its administration and linkages with both corrections and education in the state may become crucial factors in survival.

Implications for Practice

What, then, are the crucial factors in effective correctional education delivery in state adult systems? What can one learn from the experience to date? Based on the limited professional literature available in this area, close contacts with many state directors of correctional education over the last five years, and a considerable number of onsite visits and consultations in the field, the crucial factors can be narrowed down to five:

1. A systems approach to correctional education
2. A fully credentialled educational administrator in charge
3. Fully certified instructional staff
4. Compliance with state and federal law and adherence to applicable national standards
5. A school board/advisory committee exclusively for correctional education in the state

As long as correctional education remains a strictly institutional matter, operating at the discretion of noneducators, it is likely to continue to suffer from the traditional problems identified in the NACVE report (1981), e.g., isolation, lack of funds, poor quality, inadequately trained and motivated staff, and low priority within corrections. The growth of the correctional population in the last decade makes the number of students in many, perhaps most, state correctional systems equivalent to that of sizeable local school districts. The constant movement of inmates between institutions requires uniformity in curricula and central recordkeeping in order to avoid costly disruptions or duplications in services. Getting outside resources, assuring quality in staff and services, and resource management—all depend on centralized and systemic educational administration.

Whether functioning as a school district or not, and with appropriate participation from field staff, this central correctional education administration should at a minimum be in charge of the following: (1) preparing the annual budget for correctional education; (2) annual as well as long-range planning and development, including programs and space for education in new facilities; (3) getting all possible resources, monetary as well as services and technical assistance, through interagency agreements and coordination, grant applications, public relations, and contracting; (4) developing unified assessment, curricula, and evaluation practices; (5) ensuring adequate space, equipment, and materials for instruction and the use of appropriate and up-to-date educational technology; (6) developing and implementing a system of pre- and inservice training for staff, to include annual opportunities for statewide meetings; (7) developing policies and procedures for correctional education; and (8) developing a system of accountability and quality control, to include teacher evaluations meeting state standards and periodic program evaluations, preferably by an outside agent.

To implement these central office functions requires a position exclusively devoted to the administration of the systemwide education program. Furthermore, it must be acknowledged from the start that whether this position is that of a director of education within the DOC, or the Superintendent of a correctional school district, the position is an *educational* one, not a *correctional* one. In order for this position to be effective, it must have legitimacy and credibility in dealing with local, state, and federal education communities, and it must have sufficient authority and autonomy in dealing with the correctional agency at all levels and in entering into contractual or

interagency agreements. It must also be sensitive to the correctional environment, which by necessity creates unique conditions and problems, as well as to a unique and different student body.

Correctional school districts have an advantage in that most states require a fully credentialled superintendent as a condition of a school district, which immediately legitimizes the position from the viewpoint of the SEA, LEAs, and college and university communities. However, as indicated earlier, only five of the current nine correctional school districts have a superintendent. A doctorate is a desirable credential for the director of correctional education for the same reasons and should be required by new hires and encouraged to be achieved over time by current officeholders without that degree. It is encouraging to see that in recent years there has been a considerable increase in state directors of correctional education with a doctorate and other strong credentials.

Departments of corrections, however, have an unfortunate tendency to concentrate all authority in a few positions—the wardens/superintendents on the institutional level and the commissioner/director of corrections on the central office level. Currently, many highly qualified, credentialled, and competent directors of correctional education functioning as employees of departments of corrections are severely hampered by inadequate authority. For example, in most non-school district systems correctional education has no separate budget but appears as items in institutional budgets. As long as this practice persists, education monies will, when the squeeze is on, easily be diverted into noneducational areas. At a minimum, the director of education must have the same authority over the education budget as the industry or medical services directors have over their budgets. The hiring, firing, and evaluation of educational staff must also be within the ultimate authority of the education director, obviously in consultation with wardens or their designees.

It is equally important that instructional staff be fully certified, whether employed by a school district or the department of corrections. They should meet all state requirements and also be entitled to the same benefits as their public school counterparts, including such recent special benefits as "master teacher" or "career ladder" special pay increases. They should be reimbursed for the full 12 months of service, according to the scale employed by the local school district in which the correctional institution is located, not on the minimum state scale. Unless these policies are implemented, and considering the anticipated teacher shortage in the near future, correctional education will be unable to compete with the public schools for highly qualified staff who are the key to effective and quality programs.

Correctional school districts have the advantage of being periodically and automatically reviewed for state accreditation, which provides an impetus to meet certain minimum professional standards. At least two school districts—Texas and Connecticut—have proceeded beyond state accreditation to obtaining accreditation from the regional association for schools and universities. It is important that all correctional education systems set as their goals meeting certain standards, regardless of whether or not these are required. Unfortunately, there are no detailed professional standards specifically developed for and by correctional educators. The Correctional Education Association is, however, embarking on a process that will eventually produce such standards.

In the meantime, all correctional educators should be aware of existing relevant standards and set specific timelines for meeting these. The American Correctional Association (ACA) has broad, minimum standards for correctional education programs. The National Center for

Research in Vocational Education has issued specific standards for vocational programs in corrections. The Council for Exceptional Children has standards for special education. The ACA, together with the American Library Association, has developed standards for prison libraries, an area frequently falling under the responsibility of the chief correctional education administrator. Meeting these standards will not only assist in ensuring program quality but will also lend legitimacy to correctional education. Finally, all correctional education systems must ensure that there is compliance with state and federal law. Otherwise, there may be loss of funding or, at the extreme, costly litigation. As indicated in other sections of this publication, there has been very poor compliance with P.L. 94-142 (the Education for All Handicapped Children Act), especially in adult corrections, despite a large number of eligible persons for whom services are federally mandated.

Although school districts traditionally are overseen by a school board, not all correctional school district states have such a board. Furthermore, a few of these states utilize the board of corrections for this function, a somewhat questionable practice both in terms of the members' qualifications to deal with educational matters and in possible conflicts of interest. All correctional education systems, however, could benefit from developing a board, even if it would serve exclusively in an advisory capacity. The South Carolina model is a good example in terms of its composition as a board for correctional education—four members are appointed by the commissioner of corrections, four by the state superintendent of schools, and one by the governor. A board with influential persons can provide invaluable support and run interference for the education director/superintendent with legislators, the SEA, the DOC, and the governor's office. It can also assist in marshalling resources through contacts with the private sector and other state agencies. It also assists in lending legitimacy and clout to the correctional education program.

Conclusion

Under the right circumstances, it is clear that the school district model most easily meets the requirements for effective correctional education delivery outlined here. Correctional school districts, however, should not be viewed as a panacea. They are only as good as they are permitted to be—by the DOC, the SEA, the state legislature, and the governor's office. They will not automatically produce good programs or significantly increase funding. As the current chiefs of correctional school districts can testify, they still have to do battle to receive funds from state and federal education sources, to be accepted on a par with other school districts. A correctional school district is more likely to succeed if it is established as the natural next step of prior good, systemwide correctional education management within the DOC, rather than reached for as a last ditch effort under crisis conditions. Nonetheless, the school district model can be seen as an ultimate goal, the seal of legitimate status for correctional education.

Correctional education is gradually coming of age. Despite scarce resources and a more punitive than rehabilitative philosophy of corrections in recent years, correctional education has slowly grown in quality and professionalism. Once correctional education becomes accepted by corrections as an important partner, by the educational community at large as legitimate education, and by the public and elected officials as in society's best interest, correctional school districts may become the norm rather than the exception.

Equity and Legal Issues in Correctional Education

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Introduction

The advent of extensive litigation in American corrections during the past 15 years has brought correctional educators into the courtroom on numerous occasions. Among other issues, this litigation concerns inmates' right to treatment, freedom from illegal conditions of confinement, parity of treatment for female offenders, and educational access for Hispanic and special populations. Because of the complexity of much of this litigation, and the often conflicting policies of federal courts, state legislatures, and correctional officials, legal guidance for practitioners is sorely needed. This section is intended as a review of constitutional and statutory duties of correctional educators as reflected in reported caselaw and as a general discussion of the implications of these duties for correctional educators in the field.

Inmates' Right to Treatment

The beginning point for legal analysis in correctional education is the issue of whether inmates have a constitutional or statutory right to treatment. Most correctional educators, as employees of the state, are state actors for purposes of constitutional inquiry, and they are bound by the duties and limitations of federal and state constitutions. The most directly relevant aspect of these duties arises under the Eighth Amendment Cruel and Unusual Punishment Clause, which applies to the states through the Fourteenth Amendment Due Process Clause. At present, inmates enjoy no absolute per se right to treatment under the U.S. Constitution [*McCray v. Sullivan*, 509 F.2d 1332 (5th Cir. 1975); *Pugh v. Locke*, 559 F.2d 283 (5th Cir. 1977)].

The government's obligations under the Cruel and Unusual Punishment Clause are to provide prisoners with reasonably adequate food, clothing, shelter, sanitation, medical care, and personal safety (*Pugh v. Locke*, supra). Unequivocally, the courts hold, prisoners are not given federally protected rights to rehabilitation, education, and vocational training [*Spencer v. Snell*, 626 F. Supp 1096 (E.D. Missouri, 1986)]. These programs fall into the discretionary authority of corrections officials. Nevertheless, if general conditions of confinement fall below levels of protection under the Eighth Amendment, federal courts have ordered the establishment of treatment programs to "extirpate," or remediate, unconstitutional conditions. Where inmates are held in an environment

that shocks the conscience of the court, in which "degeneration is probable and self-improvement unlikely because of conditions existing which inflict needless suffering, whether physical or mental," correctional officials have been ordered to establish treatment programs as a part of an overall effort to improve conditions of confinement [*Battle v. Anderson*, 564 F. 2d 388, 393 (10th Cir. 1977)]. However, efforts to extend this doctrine beyond the factual circumstances of illegal physical conditions on the grounds that degeneration is still possible where treatment is absent have so far failed (*Pugh v. Locke*, supra).

Despite the absence of a per se constitutional right to treatment, statutes involving correctional education have been adopted by nearly every state in the country. As a general rule, these statutes fall into one of three categories. First are those statutes that create an absolute right to correctional education. The State of Alabama Code, Section 14-12-3, illustrates such a statute: "All persons incarcerated in the board of corrections units who are not high school graduates shall be eligible to attend such school." Second, there are statutes that authorize educational programs but leave correctional officials with discretion in determining whether or not to implement them. California Code Section 2054 is an example: "The Director of Corrections *may* establish and maintain classes for inmates by utilizing personnel of the Department of Corrections, or by entering into an agreement with the governing board of a school district" (emphasis supplied). Finally, there are rare laws that establish public policy commitments in favor of unlimited access to education at all levels of instruction. For example, the Constitution of the State of Illinois provides as follows: "A fundamental goal of the People of the State is the educational development of all persons to the limits of their capabilities." Although the Illinois correctional education statute is somewhat more narrow, stating that the Department of Corrections "*may* establish educational programs," the constitutional language provides support for correctional educators in the event such programs are ever terminated.

Apart from constitutional or statutory provisions, many jurisdictions throughout the country have adopted administrative regulations and informal policies supporting correctional education. The U.S. Department of Education, for example, recently promulgated a policy statement manifesting a commitment to "upgrade and make more effective educational programs in correctional institutions of the States." ("Correctional Education Policy Statement" 1984). Likewise, the Federal Bureau of Prisons, the state of Ohio, and the state of Virginia, among others, have adopted policies requiring inmates functioning below minimum grade level equivalencies to attend GED classes as their primary job assignment.

In view of the large number of administrative rules and state statutes on point, it is clear that there is a broadly based, public commitment to correctional education programs, even in the absence of a per se constitutional right to education and treatment.

Gender Discrimination and Correctional Education

Perhaps in no other area of the law has so much litigation arisen in the field of correctional education than in the area of gender discrimination. In part, this is due to the fact that female offenders have a potent legal weapon to use against correctional officials in the form of the 14th Amendment Equal Protection Clause. Additionally, this litigation is often necessary because correctional officials have historically been reluctant to adopt educational and other treatment programs at women's institutions on a par with those offered to men. Justifications for this policy are frequently based on fiscal constraints, inadequate student numbers, and administrative infeasibility. Without question, federal courts are unpersuaded that such justifications suffice when

weighed against the inequity of discrimination on the basis of an immutible characteristic such as gender.

In the late 1970s, in a series of precedent-setting cases, federal courts ordered correctional officials to establish vocational, prerelease, and even postsecondary programs in women's prisons similar to programs available in institutions for men. [See e.g., *Glover v. Johnson*, 478 F. Supp 1075 (E.D.Mi. 1979) and *Canterino v. Wilson*, 546 F. Supp 174 (W. D. Ky. 1982).] *Canterino* is indicative of the legal problems such gender discrimination suits pose for correctional officials, and it is worthy of examination in detail. Officials of the State of Kentucky received federal grants under the Comprehensive Employment and Training Act (CETA) program to fund vocational courses in Kentucky prisons. A class action was brought by female residents of the Kentucky Correctional Institute for Women (KCIW) alleging that they were illegally denied access to vocational education courses offered for male prisoners. Because the grant monies came from the public sector and were administered by public officials, separate causes of action were brought under both the 14th Amendment Equal Protection Clause and Title IX of the 1972 Educational Amendments to the 1964 Civil Rights Act.

The District Court held that the plaintiffs were denied their rights under both the U.S. Constitution and Title IX since state officials segregated them from male prisoners solely on the basis of sex, barred their access to the courses offered male offenders solely on the basis of sex, and offered inferior courses for the women at KCIW solely on the basis of sex. Moreover, it held that classifying the women into inferior educational programs on the basis of gender served no important governmental objective (*Canterino v. Wilson*, 546 F. Supp at 211-212). It bears emphasis that no challenge was made against the decision to segregate male and female offenders into different facilities since this, at least arguably, is based on legitimate security interests. But once segregated, the women were held to be entitled to access to vocational courses equal to those offered men. Significantly, the court objected to state officials' traditional view of women, as reflected in a vocational curriculum that prepared female offenders only for low-paying, menial positions in occupations traditionally occupied by women.

Several aspects of the *Canterino* decision are instructive for correctional practitioners. First, consistent with Supreme Court rulings, it was held that the mandatory nature of the segregation by gender within the state's prison system meant that the plaintiffs did not have to establish intentional discrimination by correctional officials in order to recover. Second, because state monies were utilized for vocational education programs, in conjunction with federal CETA funds, correctional officials could not take advantage of the Court's recent narrowing construction of Title IX in *Grove City v. Bell*, 104 S.Ct. 1211. Unlike Grove City College officials, who were private actors, correctional officials are state actors, who can therefore be sued for gender discrimination in all aspects of the programs they operate. Private actors, on the other hand, are only liable to suit under Title IX if the specific program that receives federal funds, usually the financial aid office, discriminates on prohibited grounds.

Finally, as a practical matter, *Canterino* and its progeny present administrative difficulties for correctional officials. Once the decision is made to offer educational or other treatment services for male offenders, females must be accorded parity of treatment. Unfortunately, a conflict exists within the lower federal courts regarding whether "parity" means "comparable to" or "substantively equal to" (cf. *Glover v. Johnson*, supra, with *Canterino v. Wilson*, supra). Therefore, to some extent, correctional officials act at their own peril in creating separate, even slightly different courses of study for female offenders. Especially in the area of academic programs, however, the requirement of absolute equality is realizable, and correctional educators should be encouraged to find creative programmatic and curricular remedies for this problem. For example, if

equal educational funding for male and female prisoners on a per-capita basis results in the absence of lab equipment at particular educational sites due to low enrollment, this should not prevent science instructors from devising experiments using suitable materials they bring with them into the classroom.

Aside from the basic question of what parity means, a second administrative difficulty arises under the recent gender discrimination caselaw. This concerns the delegation of curricular decisions by state officials to private college administrators. Litigation involving the Michigan Department of Corrections (*Glover v. Johnson*, supra) provides a case in point. In this instance, state officials contracted with private community colleges to provide educational services for offenders at both male and female institutions. When college officials cancelled several programs at the women's institution that continued to be available for men, state officials argued that this decision was solely within the discretion of college officials. The court disagreed, however, stressing that "the State may not impede the access of women inmates to the courses they desire by abdicating its responsibilities to the college, nor by raising unnecessary barriers in the form of scheduling conflicts, inadequate facilities, or restrictions on inmate movement not directly related to institutional security" (*Glover*, supra, at 1084).

The foregoing discussion should make it clear that federal courts are willing to ignore the "hands-off corrections" policy and intervene forcefully to protect female offenders from gender-based discrimination. Thus far, the Supreme Court has declined to exercise its appellate jurisdiction in this area of the law, and therefore, at present, correctional educators must look to lower court cases such as *Glover* and *Canterino* for guidance. With these cases as standards, it is clear that much work remains to be done to bring educational conditions in women's prisons into parity with those for men.

Professional Standards in the Courtroom

Of the remaining legal issues in correctional education, one of the most important for practitioners is the question of what role standards issued by organizations such as the American Correctional Association or the U.S. Department of Justice play in the effort to maintain and improve educational services for offenders. The most authoritative answer to this question comes from Supreme Court Justice Lewis Powell, who wrote the majority opinion in *Rhodes v. Chapman*, 452 U.S. 351, a landmark decision in which the Court ruled that double celling is not per se unconstitutional.

In footnote 13 of his opinion, Justice Powell wrote:

> Respondents and the District Court erred in assuming that opinions of experts as to desirable prison conditions suffice to establish contemporary standards of decency. As we noted in *Bell v. Wolfish*, 441 U.S. at 543-544, n. 27, such opinions may be helpful and relevant with respect to some questions, but "they simply do not establish constitutional minima; rather, they establish goals recommended by the organization in question." (*Rhodes v. Chapman*, supra, at 348)

In view of this ruling, the role of correctional standards is one of persuasive evidentiary support alone. To avoid problems with hearsay in the use of association standards at trial, expert testimony is undoubtedly the best means of presenting this evidence, but, as Justice Powell's opinion

emphasizes, courts are under no compulsion to accord undue weight or deference to such testimony, and indeed, it is reversible error to regard them as controlling for purposes of the Eighth Amendment Cruel and Unusual Punishment's "evolving standards of decency" test.

Conclusion

In examining legal issues in correctional education, one is struck by the tension within the judiciary between active intervention in remediating discriminatory conditions on the one hand and a deferential, "hands-off" corrections policy in the majority of cases on the other. Apart from a narrow line of cases establishing inmate rights of access to the courts and to law libraries (see *Ex Parte Hull*, 312 U.S. 546), and cases giving inmates freedom from racial and gender discrimination, courts are unwilling at present to view inmate grievances very favorably. In part this is due to the varying level of protection under each of the constitutional amendments commonly invoked by offenders, but unquestionably, it is also due to the relatively conservative tenor of the Supreme Court at this juncture in its history.

With respect to the right to treatment and the role of correctional association standards, the law is relatively well developed and clear; by way of contrast, however, in the gender discrimination area it is still largely in flux. This condition will doubtless remain the case until the Supreme Court accepts an inmate gender discrimination decision and clarifies the appropriate standard to be applied in such cases.

Because this chapter has focused on caselaw developments, the role of unreported cases such as consent decrees in this discussion has necessarily been secondary. Nevertheless, it bears emphasis that many of the advances in correctional education, particularly in terms of the establishment of programs, have been made in such proceedings. For example, consent decrees have been responsible for creating educational services in county jails, bringing correctional programs into compliance with special education laws, and establishing educational services for Spanish-speaking inmates. Normally, these developments are forged during negotiations between the parties under the supervision of court-appointed special masters, or, if necessary, federal magistrates. Conceptually, much of this "decree-based" programming arises from the "extirpation doctrine," under which courts sanction treatment programs as a remedy for illegal physical conditions. Therefore, because this is a fact-intensive area of the law, where situations differ according to the specifics of local conditions and the willingness of state officials to resist compromise, it is difficult and perhaps misleading to formulate legal trends on the basis of such decrees.

In broad outline, however, the critical role of corrections in our criminal justice system and the penchant of inmates to turn to the judiciary for protection mean that correctional educators are well advised to study caselaw involving their colleagues throughout the nation. By learning from the mistakes of others, and taking prudent administrative steps to avoid the expense and risk of litigation, correctional educators can enhance the quality of their teaching services for the incarcerated students of America.

The Learning Handicapped Adult Offender

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Introduction

Nearly 2 million adults, or 1.2 percent of all persons over the age of 18, are under some form of correctional care, custody, or supervision (U.S. Bureau of Justice Statistics 1983). Almost one-half million of these adults are incarcerated in federal or state correctional programs or in jails. As a group, these inmates are young, poor, unskilled, and undereducated. Whereas 85 percent of the general population have completed high school, only 40 percent of the incarcerated population have done so. Most function at or below the sixth-grade level in language arts and computational skills. Six percent have never been in school, or have attended only kindergarten. A strong, inverse correlation exists between level of education and incarceration rates: from 1 per 1,000 males aged 20-29 who are college graduates to 259 per 1,000 males without any formal schooling (ibid.).

While these data do not establish a causal link between educational disability and crime, they do suggest that the lack of marketable skills and basic adult literacy are contributing factors. Recently, Governor Baliles of Virginia, observing that 35 percent of the state's 10,800 inmates are functionally illiterate, proposed that eligibility for parole be tied to the attainment of literacy. His proposal is based on the belief that offenders who lack the basic skills to find and keep jobs and to meet their own daily living needs return to the criminal patterns they have practiced in the past ("Hitting the Books . . ." 1986). Chief Justice Warren Burger has voiced the same belief and has urged that correctional education programs be made a priority in the criminal justice system (Burger 1981).

The Legal Mandate

In 1975, Congress passed the Education of the Handicapped Act (EHA), which mandates a free, appropriate, and individualized education to all handicapped persons between the ages of 3 and 21, inclusive. The EHA defines "handicapped" as persons who are mentally retarded, deaf or hard of hearing, orthopedically impaired, visually handicapped, speech or language impaired, seriously emotionally disturbed, learning disabled, or have other health impairments and who therefore require special education and related services. The law specifically includes correctional education programs in the mandate for the provision of special education and related services.

Gerry (1984) estimated that 117,000 offenders incarcerated in adult correctional programs are 22 years old or less. Consequently, if adult correctional programs receive P.L. 94-142 monies, they are required to provide special education and related services to handicapped offenders aged 22 and under who have not completed their formal education.

Furthermore, Section 504 of the Vocational Rehabilitation Act of 1973 mandates that handicapped persons may not be restricted from any program receiving federal assistance solely on the basis of their handicaps (Blackhurst 1985). Although Section 504 contains no funding authorization, evidence of discrimination against handicapped persons may jeopardize a state's receipt of all federal funds (Warboys and Shauffer 1986). State adult correctional agencies may decline funds under P.L. 94-142, in which case they are not required to comply with its regulations. However, Section 504 may require basically the same compliance, even to offenders over the age of 22 if the state provides educational programs for nonincarcerated handicapped adults (Coffey 1985).

Prevalence of Handicapping Conditions in Correctional Programs

The prevalence of handicaps among incarcerated juvenile offenders has been widely studied (Murphy 1986) and indicates that handicapped youth are grossly overrepresented in this population. For example, Morgan (1979) found that 42 percent of all children committed to state juvenile correctional facilities could be identified as handicapped under P.L. 94-142 definitional criteria. In contrast, in 1984 the U.S. Department of Education estimated that 10.76 percent of school-age children in the general population are handicapped for educational purposes. A more recent survey by Rutherford, Nelson, and Wolford (1985) revealed that an average of 28 percent of juveniles incarcerated in state correctional programs were estimated to be handicapped. This more conservative figure should be interpreted in light of the extremely wide range among states in prevalence estimates (from 0 to 90 percent) as well as the fact that estimates were provided by state correctional education administrators, who would be understandably reluctant to report more handicapped students than are receiving special education.

Educational programs in adult correctional institutions generally are not mandatory, and therefore fewer adult inmates are enrolled in such programs. Relatively few prevalence studies have been conducted of incarcerated adults who need special education services. Surveys of correctional programs in Oregon (Hurst and Heintz 1979) and Louisiana (Klinger et al. 1983) indicated that between 30 and 50 percent of the inmate populations of these states are learning handicapped. Rutherford, Nelson, and Wolford (1985) also surveyed adult correctional programs; these results are presented in table 3. Based on data reported by 31 states, the average estimated prevalence of handicapping conditions was 10 percent, with a range of 1 to 77 percent. Again, these data should be regarded as conservative.

Table 3 also shows that, whereas an average of 30 percent of adults were in correctional education programs, only 1 percent were receiving special education services. The 17 states receiving P.L. 94-142 monies accounted for 76 percent of the handicapped offenders receiving special education (ibid.).

The pressure of potential litigation for noncompliance with P.L. 94-142 or Section 504, in addition to the increasing suspicion that the relationship between educational deficiencies and recidivism may be causal, is accelerating the motivation to improve special education services to handicapped incarcerated adults. For example, the National Institute of Corrections recently

TABLE 3

STATUS OF ADULT CORRECTIONAL SPECIAL EDUCATION PROGRAMS

State	Adults Incarcerated	Adults in Correct. Education Programs	Adults in Correct. Education Programs %	Handicapped Adult Offenders Estimated	Handicapped Adult Offenders Served	Special Education Students Served %	Special Ed. Students Served % of Total Population	Estimated Special Ed. Students % of Total Population
Alabama	10,036	300	3%	**	**	**	**	**
Alaska	1,600	1,000	63%	480	0	0%	0%	30%
Arizona	7,000	2,000	29%	2,800	0	0%	0%	40%
Arkansas*	4,200	1,200	29%	196	98	50%	2%	5%
California	44,000	9,500	22%	**	0	0%	0%	**
Colorado	3,142	1,389	44%	628	0	0%	0%	20%
Connecticut*	5,350	1,300	24%	**	300	**	6%	**
Delaware*	1,800	450	25%	350	350	100%	19%	19%
Florida	25,396	8,447	33%	**	**	**	**	**
Georgia	15,600	9,000	58%	6,240	177	3%	1%	40%
Hawaii*	1,561	350	22%	**	10	**	0.6%	**
Idaho	1,140	300	26%	342	**	**	**	30%
Illinois*	15,000	5,640	38%	**	150	**	1%	**
Indiana	9,168	1,802	20%	**	0	0%	0%	**
Iowa	2,800	400	14%	**	0	0%	0%	**
Kansas*	4,091	560	14%	225	175	78%	4%	5%
Kentucky*	4,621	1,112	24%	**	47	**	1%	**
Louisiana*	10,344	1,346	13%	212	42	20%	0.04%	2%
Maine	1,040	219	21%	800	**	**	**	77%
Maryland*	13,000	2,300	18%	300	66	22%	0.5%	2%
Massachusetts	5,650	2,000	35%	1,382	350	25%	6%	24%
Michigan*	15,000	4,000	27%	300	200	67%	1%	2%
Minnesota	2,000	829	41%	165	94	57%	5%	8%
Mississippi	4,184	575	14%	52	0	0%	0%	1%
Missouri*	8,194	3,167	39%	360	125	35%	2%	4%

*Receives PL 94-142 monies.

**Data either unknown or not provided.

TABLE 3—*Continued*

STATUS OF ADULT CORRECTIONAL SPECIAL EDUCATION PROGRAMS

State	Adults Incarcerated	Adults in Correct. Education Programs	Adults in Correct. Education Programs %	Handicapped Adult Offenders Estimated	Handicapped Adult Offenders Served	Special Education Students Served %	Special Ed. Students Served % of Total Population	Estimated Special Ed. Students % of Total Population
Montana	789	300	38%	**	40	**	5%	**
Nebraska	1,555	370	24%	**	**	**	**	**
Nevada	3,413	**	**	**	**	**	**	**
New Hampshire	496	100	20%	**	**	**	**	**
New Jersey	6,538	1,849	28%	5,472	**	**	**	84%
New Mexico	2,034	852	42%	**	0	0%	0%	**
New York	33,000	12,000	36%	9,500	**	**	**	29%
North Carolina*	16,470	1,674	10%	300	225	75%	1%	2%
North Dakota	400	70	16%	3	1	33%	0.2%	0.7%
Ohio	18,000	4,500	25%	6,300	**	**	**	35%
Oklahoma	6,491	1,882	29%	**	100	**	2%	**
Oregon	3,349	907	27%	150	134	89%	4%	4%
Pennsylvania	11,600	3,900	34%	2,320	96	4%	0.8%	20%
Rhode Island	1,200	450	38%	785	40	5%	3%	65%
South Carolina*	10,250	1,800	18%	250	135	54%	1%	2%
South Dakota	853	180	21%	43	0	0%	0%	5%
Tennessee	7,555	536	7%	95	0	0%	0%	1%
Texas*	36,000	20,000	56%	1,200	1,200	100%	3%	3%
Utah	1,383	105	8%	**	0	0%	0%	**
Vermont	500	250	50%	**	0	0%	0%	**
Virginia	9,084	2,385	26%	**	0	0%	0%	**
Washington	6,400	1,994	31%	**	0	0%	0%	**
West Virginia*	1,520	725	48%	140	66	47%	4%	9%
Wisconsin*	4,000	2,000	50%	190	92	48%	2%	5%
Wyoming*	799	150	19%	10	0	0%	0%	1%
Totals:	399,636	118,158	30%	41,590	4,313	10%	1%	10%

*Receives PL 94-142 monies.
**Data either unknown or not provided.

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issued a request for grant proposals to prepare a programming guide for learning handicapped adult inmates. The following section addresses the components of effective special education programs for these offenders.

Components of Effective Programs for Learning Handicapped Offenders

Aside from compliance issues with regard to the implementation of P.L. 94-142 and Section 504 in correctional education programs (Gerry 1984; Smith, Ramirez, and Rutherford 1983; Wood, forthcoming), there is the question of what constitutes an effective correctional education program for learning handicapped adult offenders. In a number of sources (Nelson, Rutherford, and Wolford 1985; Nelson, Rutherford, and Wolford, forthcoming; Rutherford, Nelson, and Wolford 1985), are described six components that are essential to the implementation of meaningful correctional special education programs. These are (1) the development of procedures for conducting functional assessments of the skills and learning needs of learning handicapped offenders; (2) the implementation of a curriculum where functional academic, social, and daily living skills are taught; (3) the existence of vocational special education in the curriculum; (4) the presence of programs and procedures for the transition of handicapped offenders between correctional programs and the community; (5) the existence of a comprehensive system for providing institutional and community services to handicapped adult offenders; and (6) the provision of special education training for correctional educators.

Functional Assessment

Assessment is an integral part of the processing of offenders for purposes of classification and placement within the correctional system. Assessment typically takes place in a central receiving or classification center where the offender may receive medical and psychological evaluation, as well as intellectual and achievement testing. Tests are usually standardized, one-time, group paper-and-pencil evaluations with test results generally used for institutional demographic reports and rarely used for assigning offenders to specific programs or institutions. These assessment procedures generally fail to identify handicapped persons.

Thus, traditional assessment and classification in adult corrections have limited value in the identification and educational programming for handicapped offenders. Functional assessment means identifying skill deficits that interfere with a student's educational achievement, social/vocational adjustment, and ability to function successfully as an independent citizen (Howell, forthcoming). Functional assessment is based on the curriculum taught rather than consisting of a standardized instrument such as the Test of Adult Basic Education or the Stanford Achievement Test. It involves continuous rather than static measurement, and the results are used to make systematic adjustments in the student's educational program (Kerr and Nelson 1983).

Functional Curriculum

Traditional educational curricula in adult correctional education programs are often not designed for learning handicapped offenders. The focus of most adult correctional education programs is on completing Carnegie Units or preparation for the GED. Emphasis is generally placed on moving to higher grade levels rather than on acquiring functional skills. Rutherford et al.

(1985) questioned the validity of such a focus for learning handicapped offenders who often lack the functional skills necessary to find a job or to live independently in their communities.

A functional curriculum is one that meets the student's individual needs. The focus of such a curriculum for learning handicapped offenders must be on developing daily living (Fredericks and Evans, forthcoming) and social (Goldstein, forthcoming) skills. The ability to find and hold a job, read basic regulatory and commercial signs, purchase goods and services, live on a budget, interact appropriately with others, and so forth, are critical skills that many learning handicapped offenders do not possess.

Vocational Special Education

Vocational training in adult correctional facilities ranges from formal vocational education, such as in a vocational-technical curriculum, to work opportunities related to the maintenance and operation of the facility itself or participation in prison industries. The latter two categories generally stress production over education and both are heavily influenced by institutional needs rather than offenders' vocational training needs.

Most correctional vocational education programs receive funds from Section 504 of the Vocational Rehabilitation Act of 1973. As explained earlier, this Act mandates that handicapped persons of all ages be granted free and equal access to available programs, which includes vocational education. However, handicapped offenders are frequently excluded from participating due to barriers such as prerequisites of a high school diploma or the GED, a minimum score on a standardized test, or production demands that discriminate against those with more limited skills or who learn and work more slowly.

Even if handicapped offenders were permitted access to vocational education programs, vocational special education programs are practically nonexistent in corrections. In general, few courses are offered for students with special needs, and their participation is often left to the individual instructor's initiative, rather than through specific program planning (National Advisory Council on Vocational Education 1981).

Platt, Tunick, and Wienke (1982) stressed the development of functional vocational programming for handicapped offenders in which academic, vocational, and social skills are taught to enable them to function competitively in the job market. Fredericks and Evans (forthcoming) supported the use of functional assessment and functional curricula in vocational training of handicapped offenders. Effective vocational special education programs can be implemented in correctional settings by modifying existing vocational-technical curricula to serve handicapped offenders or by developing vocational education designed specifically for handicapped offenders.

Transition

The need for transition services in correctional programs is acute. Needs include transition services that effectively link correctional education programs to the student's previous educational program, as well as to the educational and human services needed to support the handicapped offender following incarceration. Transition programs have been the most neglected element of correctional education programming. Cooperative efforts between the public schools and correctional education programs are rare. The identification of handicapped offenders is often slowed by

the absence of previous educational records and, once the offender returns to the community, his or her educational records rarely are forwarded to educational or vocational programs in the community.

Problems in transition of educational records from the public schools to corrections include the length of time the offender has been out of school, the geographical separation of the offender from his local school district, and the absence of procedures or personnel for obtaining such documents. Problems that hamper transition from corrections to education programs in the community include the incompatibility of programs, limited mechanisms for the exchange of information, and economic and parole considerations that often mandate full-time employment. The key problem in educational transition either into or out of corrections, however, has been that no single agency will accept responsibility for providing transition services (Rutherford, Nelson, and Wolford 1985).

Edgar, Webb, and Maddox (forthcoming) described a set of procedures for the educational tracking and transition of handicapped juvenile offenders between public school and correctional programs. These procedures, which involve facilitating the smooth transfer of educational records between agencies and programs, can be modified and adapted to provide effective transitional services to learning handicapped adult offenders. The development of effective pre- and post-incarceration transitional services requires a comprehensive approach, which involves interagency cooperation and collaboration.

Comprehensive Systems

Comprehensive systems for providing appropriate educational services to handicapped offenders often do not exist either within the correctional facility or prior to and following incarceration. The conflicting priorities and responsibilities of staff within the institution and of professionals in the various criminal justice and educational agencies with whom handicapped offenders come into frequent contact inhibits the provision of special education services.

Prisons typically have three functions: custody and supervision, where inmates are monitored and their movement restricted; work, where the inmates make restitution, maintain the institution, and conform to the work ethic; and the provision of programs (including education) where the inmates have appropriate services and meaningful activities to occupy their time. These three functions often pose competing priorities in attempting to provide appropriate services to handicapped offenders (Snarr and Wolford 1985).

Comprehensive and coordinated linkages often do not exist between the courts, the public schools, correctional education programs, and parole or aftercare programs. In their discussion of effective transition procedures, Edgar, Webb, and Maddox (forthcoming) suggested strategies for involving key staff in agencies dealing with handicapped offenders for providing comprehensive services. Systems for providing appropriate individualized special and vocational education services before, during, and after incarceration are necessary if the goal of rehabilitation is to be realized.

Correctional Special Education Training

It should be recalled that Rutherford, Nelson, and Wolford (1985) found an estimated 10 percent of the adult corrections population to be handicapped. Survey respondents also indicated that

only 1 out of every 10 of these handicapped adult offenders were receiving special education services. Thus, of the estimated 399,636 adult offenders in state correctional facilities, only about 1 percent, or 4,313, were estimated to be in special education programs.

Survey respondents also indicated that less than 9 percent of the correctional education teachers in their adult corrections programs had special education certification. Whereas a few states had a high percentage of certified special education teachers in adult corrections, most states had no or very few certified teachers. (See table 3.)

As state correctional education programs respond to the mandate of P.L. 94-142 and begin to provide special education services to increasing numbers of handicapped offenders, there is an obvious need for special education training of correctional educators. Preservice correctional special education training programs are being developed in a number of teacher training institutions, but the immediate need is to provide inservice training in special education concepts and methods to correctional educators serving handicapped adults. Toward this end, the Correctional Special Education Training (C/SET) Project has developed eight correctional special education teacher training modules for use by state departments of corrections and institutions of higher education. These modules include "Correctional Education/The Criminal Justice System"; "Characteristics of Exceptional Populations" (juvenile and adult); "Overview of Special Education"; "Overview of P.L. 94-142 and Individual Education Programs"; "Assessment"; "Curriculum"; "Methods"; and "Overview of Vocational Special Education within Correctional Institutions." Information regarding these modules is available by writing Dr. Robert B. Rutherford Jr., College of Education, Farmer Building 305, Arizona State University, Tempe, Arizona 85287.

Conclusion

The extent of learning handicaps among adult offenders has not yet been adequately documented. The average across reporting states (i.e., 10 percent) in Rutherford, Nelson, and Wolford's (1985) survey should be regarded as conservative, given the high rates of illiteracy and low levels of grade attainment among incarcerated adults, as well as the significantly higher estimates of handicaps reported in the literature for juvenile offenders. Nevertheless, it is clear that the educational needs of many handicapped adults in correctional programs are not being met. Several factors suggest that this condition will not be reversed in the near future. These include the low enrollment in adult correctional education programs, which tend to be voluntary and to compete with other activities that are more attractive to offenders; the relative lack of interest expressed by many adult correctional education programs (as well as state departments of education) in complying with P.L. 94-142 or Section 504; the restriction of the federal special education mandate to serving youths aged 22 and under; and the difficulty and expense of designing effective correctional special education programs.

In this chapter, the components of appropriate correctional special education programming have been described. Through the C/SET Project, the authors and their colleague, Bruce Wolford, have developed training curricula designed to approximate this goal. Their hypothesis is that effective special education, combined with appropriate transitional and aftercare services in the context of comprehensive multiagency planning and service delivery, will substantially reduce habitual patterns of criminal behavior, the outcomes of which are recividism and long-term incarceration. Balanced against the expense of the latter (i.e., an average of 17,000 tax dollars per year for each offender), the cost of adequate special education programming for learning handicapped adult offenders seems a worthy investment.

Vocational Education, Industries, and Career Education in Corrections

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This chapter presents an overview of vocational education, industries, and career education in corrections for those interested in these related but separate activities.

Americans believe deeply in the importance of work as a source of social and personal identity. Our status and sense of worth increases as our job improves. Raised in a world where "People are what they do" and "Idle hands are the devil's workshop," we gauge our world in terms of our work and the work of others. People without work or skills are a threat. Little wonder, then, that we believe in the curative power of work to change criminals into "productive" citizens when we discover that most criminals have few honest vocational skills (Cullen 1984). Consistent correlations between the "hard-core" unemployed and criminality reinforce this belief.

Consequently, we expect corrections officials to organize prison activities around vocational education and industries instead of facilitating "penitence" as they did in times long past. No sooner were penitentiaries established than work activities—industries—became the core of prison life.

"Industries" in modern prisons refers to the major work project(s) of a prison. These projects may range from traditional farming and road repair to the production of computer peripherals. Most modern prisons have at least one work activity that occupies the time of an average of 10 percent of the inmates (Burger 1985). It keeps them busy. Although industries are clearly a vocational activity they typically provide inmates with only the skills needed for production. The applicability of these skills on the outside is of secondary importance. Training for postrelease skills is left to vocational education.

"Vocational education" emerged as a necessary component of public education at the turn of the century. Its potential for preventing crime by providing vocational skills to those who would otherwise be idle was one of its strongest supporting arguments. Vocational education became a component of corrections education for the same reason. Vocational education programs in modern prisons teach a wide range of skills, from computer programming to traditional welding and auto repair.

"Career education" in the nation's public schools was a federally sponsored approach to career guidance that integrated career information, career development, and employability (job getting) skills into the regular curriculum. This approach is often found in some of the newer general education curricular materials used in the prisons. Since the early 1900s, "vocational guidance" had been a component of public vocational policy. Recognizing that knowledge of both self and opportunity (jobs) were necessary components of personal decision making, analysis of personal traits and job opportunities has been a part of the U.S. Employment Service and public education since the 1930s. More recently, employability skills (finding, getting, and holding a job) have been included in guidance. In the past, career information and decision assistance was provided inmates after release, if at all.

For clarity, a few other definitions are in order. "Career" is a recent, and to many, a more comprehensive term that is often interchangeable with the word "vocational." "Corrections" in this chapter refers only to adult prisons, not to probation, parole, or other community-oriented programs. Finally, "student" in the literature is used interchangeably with "inmate," "resident" and "prisoner."

Vocational Education in Corrections

Vocational education in corrections differs in purposes, assumptions, perceptions, and expectations from public education. From the time of the Smith-Hughes Act in 1917 through subsequent acts into the 1960s, lawmakers and the public believed that the purpose of vocational education was to provide skilled labor needed in a rapidly expanding economy. Schools and training programs were established for an increasing number of specific occupational fields and specific economic sectors. Training of prisoners was not critical when vocational educators asked, "Have we helped the nation fulfil its economic needs?"

A shift in purposes occurred in the 1960s. National concern was directed toward the growing "underclass" and social injustice. Vocational education and other supports were legislated for specific populations who needed special assistance because of physical and other disabilities. The primary emphasis of vocational education shifted from solving economic needs to solving human needs. The question asked of vocational programs became "Has it helped the individual become a productive member of society?"

Assumptions about the process of vocational education in public education differ from those in corrections in two ways. First, in public programs vocational education is a developmental process. Students build increasingly complex vocational skills upon foundations of earlier skills. Along with academic, social, and cultural development, vocational proficiency leads to economic and technical competency. Lack of basic skills, transfers, sentence changes, discipline, and administrative changes make the developmental assumption difficult at best (Deboe 1982).

Second, the assumption of vocational program choice based on career interests cannot be made. Adult students on the outside choose vocational education courses from among a number of alternatives and according to their interests. Inmates may choose programs for other reasons. Many must, for example, wish to show progress on a "vocational plan" needed for a favorable parole review. Their goal is the plan, not acquisition of the vocational skill. It has been suggested that inmates may select programs that meet their present needs rather than those that meet any long-term interest (Boshier 1983; Laufer 1980).

Perceptions of correctional vocational education differ among the public, the inmates, and the corrections staff. The public perceives vocational education programs in corrections as somehow being the same as those in schools. They believe the programs can and should run similarly and have the same economic and social outcomes.

Inmates, as has been suggested, perceive educational programs as a means of meeting immediate needs. *Inmates in a Canadian* prison identified 39 reasons for participating in an educational program, only 3 of which were related to learning. Those three were ranked near the bottom in importance. Moreover, many inmates questioned the authority and value of certificates and diplomas received in prison. They also recognized that prejudice against hiring of ex-convicts offsets the value of "good" diplomas (Boshier 1983).

Corrections staff hold a different view of vocational education. Many tend to view programs as places where inmates manipulate the system and reduce staff control. Moreover, some resent the truly helpful programs as being superior to those they are able to afford for their own children (Boshier 1983).

The expectations of vocational education in corrections are then mixed. The public expects vocational education to change criminals into skilled and productive workers. The inmates expect vocational education to provide a measure of skill and an opportunity to make their time more bearable. Finally, most corrections staff expect little from the programs and view them with suspicion.

To this observer, only dedicated teachers have saved correctional vocational education in the face of such conflict.

The Past 10 Years: Recent History of Vocational Education

Day and McCane (1982) identified four developmental stages for corrections in the United States: (1) punishment and retribution, (2) reform and restraint, (3) rehabilitation, and (4) reintegration.

Although vocational education has been a component of corrections education since the reform era, only during the last two stages has it been the object of considerable study and reevaluation. By the early 1970s "rehabilitation" was seen as the primary purpose of vocational education. As a result of correlations between poverty, unemployment, and crime, correctional vocational education programs were encouraged.

Later, intense efforts were directed toward improving the delivery of vocational education services in corrections. Both vocational educators and corrections specialists studied programs, curricula, facilities, equipment, and instruction.

In 1977, for example, the National Center for Research in Vocational Education revised 34 standards for vocational educational programs in corrections (Schroeder 1977). Government-sponsored conferences such as "Improving the Quality and Quantity of Vocational Education in Corrections" (Cronin and Newton 1977) looked at funding, technology, information services, planning standards, accountability, job market, placement, offender needs, personnel development,

and interagency cooperation. Similarly, Rice (1980) identified 10 critical components for improving vocational educational in corrections. Organizations like the National Hispanic Conference on Law Enforcement and Criminal Justice (Smith 1981) issued such recommendations as the need to increase the relevancy of vocational education and to provide postrelease placement services. A lengthy study by the National Advisory Council on Vocational Education in 1981 criticized correctional vocational programs because of insufficient funds, administrative deficiencies, and lack of coordination, facilities, and equipment. Lack of comprehensive programming and governmental leadership were also criticized.

The 1981 edition of *National Standards for Correctional Institutions* published by the American Correctional Association (ACA 1981a,b) included standards for delivery of vocational services along with guidelines for their development.

These efforts toward improvement may also be seen as a response to Martinson, Lipton, and Wilks (1975), who had called the whole concept of rehabilitation into question. Evidence that rehabilitation was not working accompanied by poor economic conditions forced reassessment of many programs. While many believed that vocational education had never been given a proper chance to succeed, it appeared that vocational education had not had the expected impact.

During this period of reintegration the shift away from rehabilitation in corrections put vocational education in a different light. Recidivism has become the bottom line criterion against which all programs and conditions are measured. Since then, corrections professionals around the world have sought factors that predict recidivism and statistical models that identify career criminals. They have concentrated on background and behavior factors while avoiding treatment factors, such as vocational education, which are more variable.

In this climate, vocational educators have sought to demonstrate program effectiveness in reducing recidivism. Their efforts to identify conditions under which vocational education affects prisoners have also paralleled efforts to find factors that will make the entire prison experience more effective. Thus, vocational programs have been compared to such factors as age, crime, number of convictions, length of sentence, time in program, length of program, type of program, comprehensiveness of program (counseling, job-placement, etc.), timing of the program, effect of early release, and nature of program support, and the relationship of these factor to recidivism.

Research on Vocational Education in Corrections

Research on vocational education in corrections is of two types: research into program needs and research into program impact on recidivism. But first, a caveat. The large number of uncontrolled variables affecting both corrections research and vocational education produces results of limited applicability when the two are combined. Whatever investigators find, others can find exceptions.

Those studying program needs rarely account for factors such as interruptions, lock-ups, shake downs and disciplinary actions, dropouts, absence, and early release. Investigators into program impact must consider the full spectrum of psychological and sociological variables. Nevertheless, worthwhile research has been reported. Following are some examples of research directed toward improving vocational education.

- A state-of-the-art assessment of successful programs identified three success factors: (1) program development was coordinated with other agencies and based on quantitative data; (2) individualized instruction, "live" work, and hands-on experience were the best methods; and (3) most programs used support services such as counseling, tutoring, and job placement. (Rice and Poe 1978)

- An Ohio follow-up study found that whereas most students were favorable toward their prison training, their unemployment rate was high and few found jobs in their field of study. Recommendations included improved postrelease assistance such as placement, vocational guidance, and counseling. (Abram and Wheatley 1977)

- A comprehensive survey of inmates and service providers in Illinois also concluded that complete vocational service should include placement and follow-up, as well as intake and diagnosis. (Cheney-Stern and Phelps 1980)

- A Massachusetts study of prisoners and ex-offenders found that they approved of the training they received but that they wanted better equipment, facilities, testing, basic studies, and individual assistance. Interruption of progress because of transfers was also a problem. (McClain 1978)

- A study of vocational education programs in North Carolina found that only 9 percent of inmates were able to get the vocational education they wanted because of a lack of planning and coordination in corrections. (Davison 1977)

The literature is filled with recommendations for improvement of vocational education in prisons. Less common is research into the impact of vocational education on recidivism. Following are some examples.

- Rabinowitz, Lewis, and Seaman (1978) found that program quality was difficult to identify and that vocational education did not have an impact on postrelease experience.

- In a well-controlled study Schuman (1976) found that the rate of recidivism was significantly lower for inmates who received vocational education. Predictors of success included number of sentences, months prior to release when training was completed, and age. Limited vocational education resources, he indicated, would best be focused on inmates with fewer than three convictions and offered at least three years prior to release.

- In France a controlled study by Fize (1981) concluded that vocational education did not significantly deter recidivism. However, participation in vocational education programs was useful in obtaining early release.

- Buttram and Dusewicz (1977) also found little impact of vocational programs *except* for those enrolled in postsecondary education.

- Braithwaite (1980), in Australia, found that vocational education when accompanied with job placement and removal of barriers to employment reduced recidivism.

- A major Ohio study of parole records found that vocational education had a positive effect on employment and reduced return to prison during parole. (Schaeffer and Shannon 1983)

As expected, results are mixed.

Industries in Corrections

Industries have always been the place for utilizing the skilled and unskilled inmates and, more recently, for teaching vocational skills. Convicted farmers, typists, carpenters, machinists, etc. usually found placement when committed. Industries more typically absorbed the unskilled. Skilled or unskilled, the economic fact is that prison labor is cheap and forced, notions abhorrent in the public sector. As a result, industries have been the object of considerable regulation since the Hawes-Cooper Act of 1929 and the reform era of the 1930s.

Until recently, industries have been precluded from (1) competing with the private sector or local suppliers, (2) creating profits, and (3) maintaining harsh supervision and work conditions (Schaller 1982). These reforms did not settle the issues: questions abound. Some ask, for example, "Why should criminals have jobs making license plates when private industry using honest labor can make them at less cost to the state?," or "Should private industry use cheap prison labor to produce products at lower cost than their competitors?" (Funke 1982).

Others see industries as a place to inculcate the work ethic (Cullen 1984) and to demonstrate the advantages of legitimate work. Chief Justice Warren E. Burger (1985) sees "factories with fences" as places to teach vocational skills while relieving the cost and overcrowding of prisons.

In 1974 the Law Enforcement Act made it possible for corrections to cooperate with the private sector. Success of the Free Venture model industries program (Auerbach et al. 1979) encouraged additional legislative support (National Institute of Corrections 1982). On the other hand, the private sector has been reluctant to participate. Successful projects such as the cooperative venture between Control Data Corporation and the Minnesota Department of Corrections to manufacture disk drives have changed this attitude (Schaller 1982). It should be noted that even reduced labor costs did not protect the products from market competition, and the project ended in 1984.

Cooperative programs between industries and vocational education have not been widely reported until recently, although the American Correctional Association (ACA) addressed the issue in 1982. Advocating a "training systems" approach the ACA recommends that inmate and production goals be met by (1) establishing career paths within industry for long-term inmates, (2) developing formal cooperation between vocational education and industries in training for specific skills, (3) interfacing with college credit programs to allow prison training to apply toward associate degrees, and (4) upgrading of technical skills of vocational instructors and management (Lamme 1982). The recent PRIDE (Prisoner Rehabilitative Industries and Diversified Enterprises) program of the Florida Department of Corrections incorporates many of these recommendations and has stimulated renewed interest in prison industries (Norton 1986).

Under the leadership of former Chief Justice Warren E. Burger (1985) and the Brookings Institution, national leaders in business, government, and corrections have focused national attention on the potential of industries for cost reduction and improved vocational experience. Their recommendations for operation and implementation of industries programs address past objections and provide guidelines for the future (Funke 1986). As part of the same effort a 1985 national conference addressed issues related to integration of training, industry, and education. In the fall of 1986 the National Academy for Vocational Education will conduct a workshop on "Building Partnerships with Industries" (Norton 1986).

Industries in corrections are the subject of worldwide research. Many countries report success and problems. Australia, Malaysia, Japan, Sri Lanka, and others regard industries or "work therapy" (Rowoldt and Eskridge 1983) as a constructive form of corrections. Effects of industries on recidivism have not been reported.

Career Education in Corrections

Career education has had relatively little impact in corrections. While basic education materials may not have had realistic material, most instructors recognized the importance of incorporating career information into the educational process. Moreover, methods of performance-based education—a hallmark of career education—had already been established in corrections education. Career education programs in corrections were recommended in several states although their impact seemed directed toward focusing attention on the need for more coordinated planning for career development (Gubbins 1975). A Texas Department of Corrections (1979) report indicated that very little if anything could be done to implement career education in corrections.

Some corrections specialists view career education as similar to what vocational specialists call career guidance, a comprehensive system of education and training in all aspects of career development (Schlichting 1976). In this respect a number of investigators have recommended coordinated programs that include intake, testing, evaluation, appropriate assignment (educational or industries), training, self-concept development, prerelease planning, counseling, and job-placement (Smith and Warner 1977). Several excellent intake procedures have been developed (Murphy 1981), while some community-based programs have had successful job placement. The "state-of-the-art" report mentioned earlier indicated that the more of these services that were integrated into vocational educational programs the more effective they were (Rice and Poe 1978).

Issues in Correctional Vocational Education, Industries, and Career Education

American culture, social values, and economic needs require that vocational education be a major component of corrections. Yet, several interrelated issues about the vocational life of inmates need to be settled if programs are to improve. These include questions about individual vocational choice, sexism in correctional vocational education, and the role of industries in vocational education.

Vocational Program Choice

The first question asks, What is the best vocational program for inmates? Vocational and correctional policy assumes that self-selected programs are best, indeed they are a right (Day 1979). The work of some investigators casts doubt on the conventional wisdom. In addition to the work of Boshier (1983), Laufer (1980) found that inmates are only moderately interested in traditional noncriminal careers. An Illinois study discovered that career education programs were best directed toward inventoried vocational *needs* rather than expressed interests (Cheney-Stern and Phelps 1980). Self-selection may not be the best method for program choice. Methods must be found to increase the probability that vocational education programs selected will encourage a reasonable attempt to lead a noncriminal life.

Sexism in Correctional Vocational Education

Male corrections specialists were unprepared for the rapid increase in proportion of female offenders and female corrections specialists (Aron 1981). What had been a traditionally male field for both inmates and staff changed (Mandel 1981).

Following traditionally male concepts of woman's work, it was decided that women should be trained for traditional service occupations such as sewing, food service, housekeeping, and aides along with child care and family role courses (Neto 1981). These decisions were rejected by modern women inmates. The greater variety of vocational programs available for males resulted in equal access litigation, which also caused rapid change (Chapman 1980). On the other hand this crisis provides a rare opportunity to plan correctional vocational programs based on data and assessed needs without the impediment of tradition.

Industries and Vocational Education

It is quite evident that vocational education needs to be coordinated with new shared private/public forms of industries (Lamme 1982). For those prisoners who have not had the opportunity for realistic rewarding work experience, the learned skills and attitudes might have major effect. Still unaccepted by the public are questions related to market competition, integration of vocational skill development, and work rules. How much should prison labor be allowed to compete with "honest workers"? How much should prisoners be paid? Is work or the product produced more valuable than the skills learned?

In South Africa, the value of housing produced by prisoners was so great that sentences were increased to supply the labor (*Commissioner of Prisons of the Republic of South Africa* 1980). In Russia, "work therapy" has resulted in gulags so depressingly described by Solzhenitsyn (1973). Do our present work rules encourage prisoner diligence without staff brutality?

Recommendations for New Research

This review of the literature about vocational activities in corrections results in several recommendations:

1. Research is needed that compares factors related to specific traits of career criminals, to recidivism, and to quality, comprehensiveness, methods, timing, and staffing patterns of vocational programs. With multivariate analyses such as those begun by Schuman (1976) we may begin to target vocational programs for specific populations for the first time. The means of analysis have been established and computers have made such research design possible.

2. More investigation is needed into inmate needs, interests, and motivation for selection of vocational programs. If inmates are, indeed, selecting programs for reasons that are unrelated to their vocational needs on the outside, there is little likelihood vocational education will affect recidivism.

3. Vocational needs of career criminals need to be studied in more detail. It may be that a reward-cost model similar to that recommended in Australia (Braithwaite 1980) could provide a basis for a different kind of vocational education.

Postsecondary Correctional Education

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Introduction

The provision of educational programs by colleges and universities in American prisons has been relatively new in the field of correctional education. Although Harvard College was founded 350 years ago it was not until the latter half of the 20th century that postsecondary education was infused through the walls and chain-link fences of the American correctional system.

A number of factors have combined to encourage the partnership of colleges and universities and correctional institutions. The prison population has rapidly increased in the last decade and a half. Between 1974 and 1984 the United States prison population increased from approximately 230,000 to 464,000 inmates (U.S. Bureau of Justice Statistics 1984, 1985). In a recent survey, correctional administrators and other criminal justice experts maintained that prison crowding is the single largest issue facing the correctional system in this decade (Gettinger 1984). Concurrently, it is projected that college enrollment will decrease in the near future due to the smaller number of 18- to 22-year-olds in the population. These factors combined to encourage the postsecondary and correctional systems to begin to work together for their mutual benefit. The result has been that the number of postsecondary programs in correctional institutions has increased over the last 15 years.

Another significant factor that served to increase the provision of postsecondary correctional education in American prisons was the introduction of the Basic Education Opportunity Grant (BEOG) or Pell Grant in 1973. The grants provided partial federal funding of postsecondary correctional education programs, alleviating some of the drain on the state correctional resources.

Postsecondary correctional education programs provide inmates with the opportunity to receive a college education while simultaneously meeting the desire of correctional management to have inmates engage in constructive use of their time. Participation in a postsecondary correctional education program can have the additional benefits of enhancing inmates' employability upon release and increasing their concept of self-esteem. All these benefits are achieved at a minimal cost to the institution.

Background

The first postsecondary education program in an American correctional system was established by Delyte Morris who began a postsecondary education program in the Illinois correctional system through Southern Illinois University in 1953 (Herron, Muir, and Williams 1973). Since the 1950s there has been a gradual yet steady increase in the number of postsecondary educational programs offered in correctional facilities across the country. Herron, Muir, and Williams reported that 12 postsecondary correctional education programs existed in 1965. A 1976 survey found the number of postsecondary correctional education programs had risen to 237 (Emmert 1976). As of 1982, there were 350 such programs in existence (Littlefield and Wolford 1982).

Although the growth in the number of postsecondary correctional education programs has been dramatic, the average size of the institutional programs has remained relatively small. In a report on correctional education by Bell and associates (1979), postsecondary correctional education programs enrolled on average 49 full-time and 25 part-time students, and on average only 10 percent of the nation's prison population were participating in such programs. A later survey by Littlefield and Wolford (1982) reported an average inmate enrollment rate among the sampled institutions of 8.9 percent.

Characteristics of the Programs

The major type of postsecondary institution that provides these programs are public 2-year and 4-year colleges and universities. In a survey of 205 correctional institutions conducted in 1983, over 90 percent of the institutions indicated that a postsecondary correctional education program was offered in their correctional institution (Peak 1984). Approximately 75 percent of the postsecondary correctional education programs were provided by public colleges and universities and over 40 percent were provided by 2-year colleges (ibid.). The vast majority of the inmates received the postsecondary instruction primarily in the correctional institution either through direct classroom instruction or through correspondence study and video courses. Very seldom were the inmates released to the campus for instruction (Bell et al. 1979; Littlefield and Wolford 1982; Peak 1984).

The majority of funding for postsecondary correctional education programs comes from federal and state grant programs. In 1982, 72 percent of the correctional systems were using the Pell Grant and 38 percent were using a state grant program (Littlefield and Wolford 1982). Another popular method of financing postsecondary correctional education programs in United States prisons is through a contractual arrangement between the postsecondary institution and the correctional system. In addition, a number of postsecondary institutions provide scholarships to supplement the tuition not covered by the Pell Grant. One unique way to finance tuition for incarcerated students is to provide inmate services in exchange for tuition reductions for the inmates enrolled in the college program. In Florida, the local correctional facility provides the manpower to maintain the landscape of the community college in exchange for a reduction in the tuition costs of inmates enrolled in the community college.

A number of colleges and universities have found unique and innovative methods to provide postsecondary opportunities to incarcerated adults. In some cases, the postsecondary institution provides a wide variety of academic and vocational programs in the correctional facility. In other programs, the colleges utilize the latest technology to overcome the physical barriers of geography and prison walls.

In a number of correctional systems the postsecondary institutions have gone beyond the provision of a traditional academic program. In the state of Washington, the Garrett Heyns Education Center operates under an interagency agreement between the Department of Corrections and the Community College District. The college provides adult basic education, high school/GED, and 12 vocational programs as well as college courses. The program consists of both day and evening classes for both full-time and part-time enrollees (MESA Corporation 1985).

In Alabama, a postsecondary institution was created by the legislature to function exclusively in the field of correctional education. The J. F. Ingram State Technical Institute was established in 1965 with the main campus in Deatsville, and provides academic and vocational training to both male and female inmates on the main campus and in seven other correctional facilities. The college has an enrollment of over 1,700 inmate students within the Alabama prison system (J. F. Ingram 1985).

The Montana State Prison at Deer Lodge, a maximum security prison, and the College of Great Falls (CGF) have established a postsecondary vocational program that uses the technology of teleconferencing to provide a variety of courses. Since 1981, the CGF TELECOM program has provided both academic and vocational courses to the maximum security inmates. The program uses a combination of videotaped lectures and two online teleconference lectures per week in each class offering. The videotape lecture and the teleconference lecture are on different topics so that the student is advised to attend both sessions. The teleconference lecture is scheduled twice a week for a primary and repeat session to alleviate individual scheduling conflicts during the week. Another unique aspect of this program is that during the teleconferencing session, the inmate student is connected with the instructor and other members of the class at the other teleconferencing sites throughout Montana. During the online sessions the instructor can lecture, lead question and answer sessions, or lead a discussion among both inmate and nonincarcerated class members. Supplementary materials are either mailed to the students or sent through the site coordinators who are assigned to each teleconference site to help coordinate and deliver student assignments and proctored examinations (MESA Corporation 1985).

The Southeastern Illinois College provides both academic and vocational programs that lead to a variety of associate degrees at the Vienna Correctional Center. The program was established in 1972 with an interagency agreement between the Illinois Department of Corrections and the college. The Southeastern Illinois College offers instruction in 16 vocational education programs as well as occupational orientation activities and general educational development classes to prepare students to take the GED test. Among the more unique vocational degree programs offered are game management, water/wastewater treatment, and alcohol fuel production. The Vienna Alcohol Fuel Plant produces over 500,000 gallons of ethanol alcohol per year by inmates trained to operate the plant (ibid.).

Wilmington College of Ohio began providing college courses at the Lebanon (Ohio) Correctional Institution in 1968 on an interim basis and established the degree program in 1975. In 1978, Wilmington College established Project Talents, which added a career planning component of courses and services to the existing program. Project Talents' staff involve a number of volunteers from the private and public sectors to provide a realistic approach to helping incarcerated students with reintegration back into the community after release from the institution. The basic objective is to assist the inmates in becoming "the owners rather than the victims of their own lives" (Wilmington College 1984).

Current Issues and Implications for the Field

A number of problems are currently facing postsecondary correctional education in the United States. Two of the more significant issues are to what extent, if at all, should incarcerated felons be given the opportunity to receive a college education while in prison and what is the long-term impact or effect of participation in postsecondary educational programs on incarcerated men and women when they are released from prison and return to the community.

Although the opportunity for a college education for inmates has been available in the prison systems for over a decade, many citizens still feel that postsecondary education for convicted felons is beyond the scope of correctional education. The rationale for these feelings is based on the fact that the burden of tuition for the postsecondary program is placed directly or indirectly on the taxpayer. The inmate is able to receive a "free" college education whereas law-abiding citizens must struggle to pay for their children to attend a college or university.

These sentiments have been manifested in congressional amendments to the Pell Grant eligibility that would eliminate the use of the Pell Grant by incarcerated students. In Ohio, the state grant is limited to inmates who are within 5 years of their parole hearing date. The reason for this time restriction is to eliminate long-term or life-term offenders from participation in a postsecondary program until they are within a reasonable time prior to release from prison. The existing legislation was developed as a compromise reached after the introduction of an amendment to eliminate the use of the state grant for incarcerated students.

Another issue that will continue to be important not only to postsecondary correctional education but also to correctional education in general is the effect that academic and vocational training has on the postrelease activities of the ex-offender. Few studies deal with the effects of participation in these programs on recidivism as well as on job acquisition and retention. The difficulty and cost involved in funding follow-up research on ex-inmates and interviewing them or gathering data about the ex-offenders is beyond the capability of most publicly funded postsecondary correctional education programs. As Bell et al. (1979) concluded in a survey of correctional education

> little, if any, attention has been given to the measurement and/or assessment of post-program followup, post-release followup, or recidivism rates in the evaluations of correctional education programs over the past five years. (p. 93)

The following example illustrates the difficulty of completing a follow-up study. An evaluative survey of postsecondary students was conducted by the Henderson County Junior College in cooperation with the Texas Department of Corrections (Gipson and Spurlock 1983). The purpose of the followup study was to determine the effectiveness of the vocational training program that operated in the local prison. A total of 525 incarcerated students who were enrolled in the program in the Fall of 1979 were included in the sample. Of the 525 students, 193 were still incarcerated; an additional 100 former students left no forwarding address. A manual search of the inmate release records revealed 232 complete addresses of the former students. Two bulk mailings were completed in an attempt to maximize the number of responses. The total number of questionnaires completed and returned was 35 out of the original 525 former students.

In another illustration, a follow-up study of offenders who received college degrees while incarcerated was completed in New York State (Thorpe, MacDonald, and Bala 1984). The survey included incarcerated students from 7 participating colleges that offer programs in 10 medium and maximum security institutions in the state of New York.

The authors identified 276 inmates who had completed a postsecondary program and had received a certificate, or an associate or a bachelors' degree while incarcerated and had been released from incarceration. The actual recidivism rate for the former inmate/students was compared with a projected rate of return to prison expected for the general population of released offenders. The actual rate of return to prison of the former inmate/students who had completed a college program was 14 percent as compared with the expected recidivism rate of a rate of 20 percent for the group.

The authors cautioned that the lower rate of recidivism cannot be attributed solely to participation in and completion of a postsecondary education program. "Since [the college] program is only one component in an inmates' overall prison experience, it is difficult to conclusively identify the separate effect of the college program on post-release behavior" (Thorpe, MacDonald, and Bala 1984, p. 87). The authors argued that those members of the inmate population who select themselves to enroll in and complete a postsecondary program are more likely to be "more motivated and/or competent than those who do not complete these programs" and that these factors would increase their rate of postrelease success.

Although follow-up studies are still needed, and in the future will probably be increasingly demanded by legislators who fund these programs, caution must be given to overstating the results of the follow-up reports. The difficult lesson to learn in this type of research is not to overstate the case. Accurately measuring the specific effect of program participation is difficult at best. But, the lack of information from follow-up studies may hurt the existing programs when legislatures take up the question of tuition funds for incarcerated students. Without evaluative research the only information available will be enrollment and cost data. In periods of limited state budgets and efforts to reduce support for social programs and lower the cost of incarceration, the lack of impact data could become crucial to the continuation of the tuition funding.

The opportunity to undertake comprehensive follow-up studies of ex-offenders may become easier as correctional recordkeeping systems become computerized. In the next few years, the state correctional systems will gradually complete their computerized recordkeeping systems and coordinate their information systems to the point where general population and specific population follow-up studies of postrelease behavior will become easier to undertake than at the present time.

Conclusion

The role of postsecondary correctional education is still being defined. The past decade and a half has shown a tremendous growth in both the prison population and the number of inmates participating in postsecondary programs. The diversity of the programs and their popularity attest to their need in the field of correctional education. Although the debate continues as to the right of the inmate to be given the opportunity and the effect the experience has on their future endeavors outside of prison, the programs do provide constructive activity to a significant proportion of the inmate population.

The next 10 years will provide an extraordinary opportunity for the expansion of postsecondary programs in correctional institutions. Currently, state correctional systems have funded the construction of over 64,000 new prison beds at a cost of $2.9 billion and have proposed construction of an additional 40,500 beds at a cost of over $2.1 billion (Mullen 1984). The construction of new prisons and the rapidly increasing prison population will provide the opportunity for an increasing role for postsecondary education within the confines of our nation's correctional system.

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